

EXECUTIVE SESSION  
PERMANENT SELECT COMMITTEE ON INTELLIGENCE,  
U.S. HOUSE OF REPRESENTATIVES,  
WASHINGTON, D.C.

INTERVIEW OF: SALLY YATES

Friday, November 3, 2017

Washington, D.C.

The interview in the above matter was held in Room HVC-304, the Capitol,  
commencing at 10:07 a.m.

Present: Representatives Conaway, LoBiondo, Ros-Lehtinen, Turner,

Gowdy, Stefanik, Schiff, Sewell, Speier, Quigley, Swalwell, and Heck.

[REDACTED]

Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

[REDACTED]  
[REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

For SALLY YATES:

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[REDACTED] Good morning, this is a transcribed interview of the Deputy Attorney General, Sally Yates. Thank you for speaking with us today.

For the record, I am [REDACTED], [REDACTED] here at the House Permanent Select Committee on Intelligence for the majority. There are also a number of other members and staff present who will introduce themselves as the proceedings go on.

But before we begin, I wanted to state a few things for the record. The questioning will be conducted by members and staff that are present. During the course of this interview, members and staff may ask questions during their allotted time period. Some questions may seem basic, but that is because we need to clearly establish facts and understand the situation.

Please do not assume we know any facts you have previously disclosed as part of any other investigation or review. This interview will be conducted at the Top Secret/SCI level. During the course of this interview, we will take any breaks that you desire. We ask that you give complete and fulsome replies to questions based on your best recollections. If a question is unclear or you're uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply just say so. You're entitled to have counsel present for this interview, and I see that you've brought two. At this time, if counsel could please state their names for the record?

MR. O'NEIL: David O'Neil.

MS. O'BRIEN: Alicia O'Brien.

[REDACTED] Thank you. The interview will be transcribed. There is a reporter making a record of these proceedings so we can easily consult a written

[REDACTED]

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compilation of your answers. Because the reporter cannot record gestures, we ask that you answer verbally. If you forget to do this, you might be reminded to do so. You may also be asked to spell certain terms or unusual phrases.

Consistent with the committee's rules of procedure, you and your counsel, upon request, will have a reasonable opportunity to inspect the transcript of this interview in order to determine whether your answers were correctly transcribed. The transcript will remain in the committee's custody and the committee also reserves the right to request your return for additional questions should the need arise.

The process for the interview will be as follows: The majority will be given 45 minutes to ask questions, and the minority will be given 45 minutes to ask questions. We will take a 5-minute break thereafter if you wish. After which time, we will proceed in the following fashion: The majority will be given 15 minutes to ask questions, and the minority will be given 15 minutes to ask questions. These 15-minute rounds will continue until the questioning is complete. These time limits will be adhered to by all sides. Time will be kept for each portion of the interview with warnings given at the 5- and 1-minute mark, respectively. I apologize in advance if I interrupt you during an answer, but we are just trying to stay track.

To ensure confidentiality, we ask that you do not discuss the interview with anyone other than your attorneys. And you're reminded that it is unlawful to deliberately provide false information to Members of Congress or staff.

Lastly, the record will reflect that you are voluntarily participating in this interview, which will be under oath.

Ma'am, if you could raise your right hand to be sworn at this time.

■■■■■

Do you swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth?

MS. YATES: Yes, I do.

Thank you.

And just a reminder to all folks, please make sure that your microphone is on and the green light on.

Over to you, Mr. Chairman.

MR. CONAWAY: Ms. Yates, thank you for coming in this morning, I appreciate that. We will start the interview shortly. We have a vote series as early as 10:15, and to be respectful of your time, we prefer to let the staff continue with the conversation or the interview just so that we can keep moving. I would ask my colleagues that, when we get back, if a question has already been asked, that we work hard not to reask it ourselves so we don't plow ground that has already been plowed, so we will be respectful in that regard.

With that, Trey, we'll start our 45 minutes.

MR. GOWDY: Her counsel may want to say something for the record.

MR. O'NEIL: Thank you, Representative Gowdy.

My name is David O'Neil. As I noted, I'm one of Ms. Yates' attorneys, along with Alicia O'Brien. I just wanted to make a few comments at the outset.

Ms. Yates is happy to be here and to answer whatever questions she can in order to assist with the committee's work. I just want to reiterate a few points I made a number of times with staff, and [REDACTED] is probably sick of hearing from me at this point. The first is that, because Ms. Yates was mostly a consumer of intelligence concerning Russian interference, her knowledge in most instances is derived from that of the officials who were focusing on this full time and that were

developing the intelligence that Ms. Yates reviewed. So I expect that, on many of your questions, the best answer Ms. Yates will be able to provide is to direct you to who could give you the firsthand information.

The second is the committee has not provided Ms. Yates any documents to review. She no longer has access to the documents that the Department of Justice possesses. So she's going to be talking today based on the best – based on her best recollection of events that happened many months, in some cases more than a year, ago. So she can't really speak to the specifics of documents in these circumstances.

Third and probably I think most critical, Ms. Yates is not an employee at the Department of Justice anymore. So she does not speak for the Department. She wants to be very careful, and I know that all of you share this goal as well, that nothing she says here or anywhere else interferes with any ongoing investigations that the Department of Justice may be conducting.

And since she doesn't know exactly what the focus is of any ongoing investigation, Alicia and I have advised her to stay far away from answering anything that might touch on those topics, that includes, just for example, what the Department's views were on factual and legal issues, what investigative steps were taken while Ms. Yates was in office, what evidence had been developed at that time, and what conversations were had among various officials. Obviously, current Department officials would be in a good position to speak to those topics, and so we'll direct you to them when we get close to any potential investigative issues.

And then, finally, I note that we're in a classified setting, and we know that everyone here will handle the information that we discuss appropriately. But just



as a caveat, if there is discussion outside of this room about what takes place here, the witness would then be free to provide context to those discussions. Again, we don't expect that to happen. And, of course, we have no intention of saying anything outside the four walls of this room.

MR. GOWDY: Good morning, Ms. Yates. My name is Trey Gowdy, and I'm from South Carolina.

MS. YATES: Good morning.

MR. GOWDY: Could you begin by giving us the benefit of your professional background?

MS. YATES: Sure. Well, I graduated from law school in 1986 from the University of Georgia. I was in private practice for about 3 years at King & Spalding in Atlanta. And then, in 1989, I joined the United States Attorney's Office in Atlanta as an AUSA. I was there until I was -- well, while I was an AUSA, I was a line AUSA, became chief of the Fraud and Public Corruption Section, and then first assistant for two U.S. attorneys during the Bush administration. And then -- the first assistant is the highest career at AUSA in the office.

And then, when President Obama was elected, I was nominated and confirmed as United States attorney in Atlanta where I remained for close to 6 years until the last 2 years of the administration when I served as Deputy Attorney General and then 10 dates as Acting Attorney General during the Trump administration.

MR. GOWDY: And when your service as Acting Attorney General ended, where did you begin working?

MS. YATES: Well, right now, I'm visiting at Georgetown Law Center.

MR. GOWDY: I'm going to ask you some background questions just for the benefit of, not just the record, but also the members on how counterintelligence investigations begin and how criminal – without specific reference to any fact pattern. For those who have not worked at Main Justice, which includes almost all of us, how are those investigations initiated, and by whom, counterintelligence, and then what I call criminal but other people might call something else?

MS. YATES: Well, you know, they can start different ways. And I can speak from my experience. I would expect the folks at the FBI could give you a more fulsome description since they are the ones who deal initially with beginnings of those, particularly counterintelligence investigations. But on the CI side, on the counterintelligence side, that almost always begins at the Bureau. I can't remember a time, for example, when something started over on the DOJ side of the house as a counterintelligence investigation.

It can come from information that the Bureau acquires from a number of sources. It can be from their own sources, from their review of documents. It can be from another intelligence agency. The CIA or NSA may provide information to them that would be relevant to a domestic counterintelligence investigation. And those investigations are run by FBI, sometimes with some involvement of our lawyers at the – I say "our"; I'm not part of DOJ anymore, but it's an old habit to break after a long time – with the NSD lawyers, depending on what the scenario is and whether or not process is being used, specifically FISAs are being used, in the context of the counterintelligence investigation.

There are some though that I think just go on for some period of time almost exclusively within the walls of FBI that don't necessarily involve any lawyers

[REDACTED]

from NSD, but certainly, if there's process involved, then they do.

Sometimes a counterintelligence investigation can morph into a criminal investigation. If, in the course of the counterintelligence investigation, they discover information of a criminal violation, then they will bring in agents who would also be involved and the lawyers from the National Security Division who would be involved in investigating it potentially for criminal violations as well as. I'm not sure if that answers your question.

MR. GOWDY: It does. Is there any evidentiary burden necessary to be met before either of those investigative tracks are triggered?

MS. YATES: Yes, there is. And there are different levels of investigations. And I'm not going to remember the precise lingo that's used here in the FBI parlance, but there are assessments, I believe, that the FBI does that doesn't really require much, because what all an assessment is, is rather than just waiting to be a passive recipient of information where the FBI goes out and tries to identify counterintelligence issues. Then I think there's another level that may be -- I don't know if that's the full field level or not, but there are different levels where it's an assessment, a full investigation, and then you have investigations -- this is as best I recall now -- where they -- I believe they call them like an enterprise investigation where you might be looking more broadly. Rather than just at a specific individual or set of allegations, you might be looking at an organization that you believe poses either a criminal threat or a counterintelligence threat. And so there are different standards that have to be met for each one of those. And there are different tools that are available to the FBI depending on what level of investigation is. I would have to go back and look at the actual -- the di-hoc (ph) to note the specifics of that.

[REDACTED]

MR. GOWDY: You made reference to FISA. Can you tell us what FISA is and what the process would be for an application, if that's the right word, to the FISC?

MS. YATES: Well, it's a long process. And ■ FISA is a Foreign Intelligence Surveillance Act warrant that permits the government to be able to intercept communications. On the criminal side of the house, that's done through what is known as ■ T-3. That has different standards. The FISA side, it is a counterintelligence tool that's used. It begins at the FBI where agents lay out in very detailed affidavits the specific facts that they have that would establish that a particular individual is an agent of ■ foreign power and is engaged in clandestine activities on behalf of that foreign power. And they lay it out in great specificity. It goes through a lot of levels at FBI before it comes across the street to the Department of Justice, where it is reviewed again, at lots of different levels. And lawyers in the National Security Division sit down with the FBI agents and actually go through and check the veracity of each of the statements that is made in the FISA. It goes through the supervisory structure at the National Security Division.

Normally, FISAs are signed off by the head of the National Security Division. Only if he or she is not available, is out of town, or ■ you don't have ■ confirmed head of the National Security Division, then the FISA approval will come to either the Deputy Attorney General or, if the DAG is out of town, to the Attorney General.

MR. GOWDY: Given your role and responsibilities in 2016, could there or would there have been either counterintelligence or criminal investigations with respect to the 2016 election cycle that you did not know about?

MS. YATES: Oh, sure there could be things I don't know -- you don't know

what you don't know.

MR. GOWDY: Right. But given you would have been the DAG at all relevant times in 2016, other than what you were the Acting Attorney General.

MS. YATES: Right. And that was not until 2017.

MR. GOWDY: Okay. So, at all times in 2016, you would have been the Deputy Attorney General?

MS. YATES: That's right, yeah.

MR. GOWDY: Would you have had to review and/or sign off on FISA applications.

MS. YATES: Not if John Carlin was there, but there came a point I believe in the fall -- I could be wrong; I'm terrible at dates -- and so I think it was in the fall that he left, that then we didn't have a Presidentially confirmed head of the National Security Division, and I signed FISAs. But prior to that, if there were one, I would have expected John. But I would have expected, if it were a matter of particular significance, I might not have actually reviewed the FISA, but they would have looped me into the process to let me know about it certainly.

MR. GOWDY: Do you recall a FISA application with respect to a target named Carter Page?

MS. YATES: Yes, I do.

MR. GOWDY: What can you tell us about your role or involvement with that?

MS. YATES: My recollection is, is that I signed that FISA, that I believe that John Carlin was no longer with -- had left DOJ at this point, so Mary McCord was head of the National Security Division but not Presidentially confirmed. So my recollection is that that came to me to sign to approve for the Department of

Justice.

MR. GOWDY: For those of us who have not been part of that process, does ■ Bureau agent draft an affidavit and then present it to either someone at the NSD or someone in leadership at Main Justice? How does it come to your attention?

MS. YATES: Yeah, well, I -- I never saw them until all of that work had been done back and forth. But my under -- so I was never, like, sitting in the room in that. But my understanding is yes, is that it's drafted first by the FBI. And after it goes through all of the approval levels over there, it comes over to DOJ.

Now, DOJ oftentimes has input into that, and so ■ might go back across the street again to FBI. If, for example, the lawyers in the National Security Division have questions or issues about things, that affidavit may be revived and changed. It's not a rubber stamp process at NSD. They take that very seriously.

MR. GOWDY: With respect to the initial FISA application of Carter Page, do you recall having any questions or concerns about the body of the affidavit?

MS. YATES: You mean in terms of facts that were laid out?

MR. GOWDY: Right. Whether or not -- well, what's the evidentiary burden that would be necessary to successfully seek a FISA warrant?

MR. YATES: It's probable cause.

MR. GOWDY: All right. So, at any point in reading that application, did you have any questions or concerns about whether or not that evidentiary burden had been reached?

MS. YATES: No. I remember having discussions with folks from the National Security Division about that. I will confess to you: I don't remember the

specifics of that discussion now, but I do remember having discussions with them about the facts that were laid out in the affidavit.

MR. GOWDY: If I use the name Christopher Steele, are you familiar with that name?

MS. YATES: Uh-huh.

MR. GOWDY: And what's later become known as dossier but may not have been known as the dossier at the time.

MS. YATES: It was not.

MR. GOWDY: Okay. So, if I confuse the two, I do remember it wasn't always called ■ dossier, but it always is now for some reason.

Can you tell us what, if anything, you know about how Christopher Steele came in contact with the FBI?

MS. YATES: You're right. I don't remember hearing the term "dossier" until a point much later when there was a defensive briefing of President-elect Trump, at that point, when they provided him some information. So I don't – you know, I don't remember ever hearing ■ discussed in that context.

What I recall about Christopher Steele and specifically the FISA was that – and, look, I'm trying to give you the best as I recall it; the way I remember it may not be accurate, but this is what I recall.

MR. GOWDY: And it is not in front of you.

MS. YATES: Yeah.

MR. GOWDY: And we don't have it as an exhibit. I realize we're asking you to go based on what you recall.

MS. YATES: Right. And that was that Steele

[REDACTED]

[REDACTED]

[REDACTED] And as it was described to me, he had a very good track record with them, that they found him to be someone who was credible, he had provided verifiable information in the past, and that they thought well of him.

MR. GOWDY: You mentioned the phrase "verifiable information in the past," which leads me to wonder whether or not the Bureau would have undertaken any steps to verify or corroborate the information in the present that they would have been provided. Is there an expectation on behalf of Main Justice that the Bureau would try to vet or corroborate or contradict information provided?

MS. YATES: Sure, it sort of -- again, speaking hypothetically here, it depends on the information. You certainly want to corroborate it as best you can

[REDACTED]

And so, as I recall that, the FBI was involved and trying to corroborate as best they could -- and I don't remember the specifics of what that was -- information from the sources and subsources that Mr. Steele had provided to them.

MR. GOWDY: Now, I know FISA applications are not like the courtroom where you might not be allowed to rely on an unnamed source. It sometimes is referred to as hearsay, and then, if that unnamed source has a source, that might be hearsay once removed and on we go. Are there evidentiary rules that apply to FISA applications where the reliance on hearsay or double or triple hearsay would

[REDACTED]



not be warranted or appropriate?

MS. YATES: I don't know if there's a specific rule that governs that. I think that you would want to make sure that you were accurate in your description in the affidavit of what the source of that information is such that if it's hearsay, that it's identified as such, not as something known personally by the individual. I don't know if I'm making sense there, but --

MR. GOWDY: When you were a trial lawyer, you had an obligation to turn over either Brady material, Giglio material, anything that might be exculpatory, anything that could be used to cross examine or contradict what a witness was going to say. Do you know whether there is a corresponding responsibility in a FISA application to put information in that application that might impeach the credibility of a source or subsource?

MS. YATES: Again, I don't know specifically what the rule is there, but the practice would certainly be to do that.

MR. GOWDY: So the best --

MS. YATES: Particularly if it's something that's material. Now that doesn't mean that you would necessarily go through and put every little fact in there, but if it's something that's significant and material that you would want the FISA court to consider in determining whether to approve the warrant, yes.

MR. GOWDY: In the FISA process, is it a prosecutor alone that makes the presentation to the FISC, or is there opposing counsel, like there typically is in adversarial hearings?

MS. YATES: No. No, it's the same as like when you get a T-3 for a criminal case, there is no opposing counsel there for that either.

MR. GOWDY: So it's the responsibility of the U.S. Government to present

the information to the FISC.

MS. YATES: Right.

MR. GOWDY: All right. Do you recall the evidentiary basis for the FISA application for Carter Page?

MS. YATES: I don't. I recall generally that ■ related to interactions that he had had with Russians. But to get -- I haven't seen that affidavit in a very long time, and I don't recall the specifics of it sitting here today.

MR. GOWDY: Do you know whether or not applications were made formally or informally to the FISC that were rejected initially and the affidavit was somehow amended?

MS. YATES: No, I'm not aware that. I remember reading about that in the media, and I'm not aware of that happening.

MR. GOWDY: Okay. I'm going to dance around, but that's not to confuse you or me. It's more ■ reflection that they are about to call votes.

The jurisdictional parameters of our committee, as I understand it: What did Russia do in the 2016 election cycle? With whom, if anyone, did they do it? The U.S. Government's response, and then the fourth category is generally masking and unmasking and dissemination of classified material.

I'm going to use words -- and I hate to use words like this with lawyers because we could spend the rest of the day defining the differences between these three words -- but I'm going to ask you the same question I ask every witness.

MS. YATES: Okay.

MR. GOWDY: Collusion, conspiracy, coordination, do they have appreciably different meanings to you?

MS. YATES: I've never been entirely sure what collusion is to be honest with you.

MR. GOWDY: Me either.

MS. YATES: When I hear that term, I think one of the dangerous things is it means different things to different people. So that's not really a term of art that we normally used or that is used, you know, certainly in the criminal process. There's conspiracy, which certainly you're familiar with from your time as a prosecutor, and I would expect others are too. But I think collusion has come to mean -- and some of this is from, you know, what I read about now as well. I'm trying really hard here today to distinguish between what I knew at the time versus what I've read about since then in trying to make sure that things don't sort of meld together, but particularly since I've left, there's lots of discussion about collusion. And as I said, I think that means different things to different people. So I think we have to be careful when with define that, what it means.

MR. GOWDY: I do too. I don't ever remember hearing the word until earlier 2016. But lets do this, just for purposes of today, if we can, if you're comfortable doing it, conspiracy, let's use that term as if it has a potentially criminal connotation, either 846 conspiracy, 370 --

MS. YATES: Yeah.

MR. GOWDY: The way that we are used to hearing that and others who did it for a living, conspiracy denotes criminality or potential criminality. Collusion, let's just say that does not involve criminality. It's conduct. I mean --

MS. YATES: But it can, it.

MR. GOWDY: It can, which is why I also throw in the word coordination. I mean, you can collude to go to lunch, but most people call that coordinating

instead of colluding. So the reason I throw in all three words is because I don't want to miss one of them and have somebody say, "Well, you didn't ask her this," or, "You didn't ask her that." So I'm going to ask them all three together. And then, if you think they are not appropriately used together, you can tell me otherwise.

MS. YATES: Okay.

MR. GOWDY: And I want us to focus on kind of three pivot points. The first pivot point is the intrusion in the DNC server and John Podesta's email.

MS. YATES: Uh-huh.

MR. GOWDY: So that to me is kind of pivot point one. During your time with the Department -- and again, I'm going to have to use another word -- some of my friends don't like it when I use the word "evidence." They prefer that I use the word "intelligence." I don't know what the word "intelligence" means separate from "evidence," so I'm going to use the word "evidence."

Do you recall seeing evidence, regardless of the source and regardless of how it was vetted or not vetted, any evidence of collusion, conspiracy, coordination between Donald Trump himself and Russian state actors to interfere with or influence the 2016 election cycle?

MR. O'NEIL: As I mentioned at the outset, I mean, we have to -- that seems to me kind of at the core of what we understand the current DOJ investigation can be looking at or at least one of the areas that it has been reported the investigation is looking at. Ms. Yates was the Deputy Attorney General at the time. She was supervising. To the extent there were or were not investigations, she has supervising them. I think she's got to be very careful about answering these questions.

MR. GOWDY: Well, I would not expect her to be anything other than careful. I would note, and I think my colleagues on the other side will agree, try to ask the exact same series of questions of every witness, whether they are current or former DOJ officials, whether they are current or former Bureau agents, whether they are current or former administration members, because if I don't ask the question, then they are going to say, "You didn't ask arguably one of most important witnesses the same question you've asked everyone else." So I, you know, for purposes of this, I -- I think lots of people in the room have read the FISA application, for instance. We ordinarily would not, absent this fact pattern. I'm not interested in things that are being investigated by Mr. Mueller. I'm not interested in things that are being investigated by Main Justice not connected with Mr. Mueller.

Just from the time she was there -- and she was right, I think you have said in your opening statements, that there would be other sources to either corroborate or contradict what I'm asking her. But if I don't ask this witness, given her title and responsibilities, if she saw evidence of those three while she was there, then I am treating this witness differently than I have the others.

MR. O'NEIL: I entirely understand why you're asking the question. I'm just -- she is differently situated from other witnesses in the sense that no one else at the time was supervising the Justice Department and the specific investigations to the extent that they existed. So I think she has to be a bit more careful about answering them.

MR. GOWDY: Again, I do want her to be careful, but we also had ■ witness, last name Lynch, and we -- there are other witnesses that would have been in the know, John Carlin, Mary McCord, and we asked the questions, and

they answered them as best they can. And if she doesn't know, then she doesn't know.

MS. YATES: Yeah. Let me try to approach it this way. And certainly John Carlin and Mary McCord are going to be better sources for you than I am on this because that's all John McCord and Mary McCord did every day. I mean, they were in the National Security Division. They were focused just on this. And this was an important topic, but I had the whole Department of Justice that I'm also trying to be involved in. So I relied on the National Security Division to be more in the weeds on this.

That being said, this was obviously an important topic, though.

Let me see if I can try to approach it this way: At the time that I was at the Department of Justice, it was at the beginning stages of when the FBI was looking into the issue of, were there any U.S. citizens that were involved with the Russians and the Russians' efforts to impact the election? So it was the very beginning stages. And at that point, they were primarily looking at trying to determine what the relationships were. You know, before you figure out whether there was any illicit agreement, you're trying to figure out who has got a relationship with who? And that was the primary stage that we were in at that point, was determining what individuals associated with -- and I guess that means you all need to go. Is that what the --

MR. CONAWAY: Not yet.

MS. YATES: What individuals associated with the Trump campaign had relationships with individuals in Russia and specifically that were involved in attempts to influence the election. So it was in the early stages of what I would call determining -- trying to determine relevant facts, rather than being able to

reach a conclusion about whether there was any of the three Cs that you've got there: coordination, collusion, or conspiracy.

MR. GOWDY: And I've grown to hate words that start with C, and you may too before the end of day, because the other two options are contact, which could be benign or not

benign, and there could be -- there is something called a coincidence in life. So --

MS. YATES: Right. But I think you need to learn -- if you want to get to the bottom line answer of was there collusion, conspiracy or coordination -- if I got the three Cs right -- then you also need to learn about who had contact, because you can't get to that collusion -- the other -- the three Cs there, until you figure out who's having contact with who.

MR. GOWDY: The way I have kind of tripartited out this question is that Donald Trump himself; members of the official campaign, like official campaign members; and then the third tranche are kind of the hangers on and the wannabes and the people who say they know someone but don't really know them. So I kind of divided it out that way. But I like to start with --

MS. YATES: I don't know that we divided it that way at that time. I mean, I think we were really just trying to look more broadly. And I'm saying "we" in the very broad DOJ, FBI sense here of whose -- what are the facts here? Who's having contact? And then what kind of contact is that? And does it then amount to something nefarious?

MR. GOWDY: Carter Page, for instance, whose name has already come up, would be either in category 2, category 3, or both. Either an official member of the campaign or some ad hoc position, but he would not be the candidate himself.

MS. YATES: Well, no, he's not Donald Trump. Okay. We can agree on that.

MR. GOWDY: George Papadopoulos, maybe category 2, maybe category 3, not the candidate himself. So that's why I wanted to start with the candidate himself, and if I need to include all five of the words that start with C, I'm happy to ask the question that way, I just --

MS. YATES: Maybe I can -- can I put it this way?

MR. GOWDY: Sure.

MS. YATES: Is that, again, at the stage when I was involved, the information that we were obtaining at that point was information about contacts and relevant facts with respect to this issue. We had not reached a conclusion at that point, certainly not that I'm aware of. I don't believe anybody had reached a conclusion yet as to whether there was a nefarious alliance, for lack of not using your three Cs here, whether there was a nefarious alliance with the Russians. We were at the fact-gathering stage here, not the conclusion stage.

MR. GOWDY: I'm with you. And I think we are going to leave in just a second. That first pivot point, I'm not an expert on cybercrimes. I'm assuming that the unauthorized intrusion into someone's server or email is a crime. So I'm just assuming that it is.

MS. YATES: If it's not, we have got a whole division of lawyers at the Department of Justice that need something else to do.

MR. GOWDY: Who aren't earning their paychecks.

With respect to that pivot point, did you, while you were at Justice, have any evidence, collusion, conspiracy, coordination, coincidence, contact, any of them, that the candidate himself had any involvement in the intrusion into the DNC



server and/or the Podesta email?

MS. YATES: If you're asking me, did I reach the conclusion that he -- he had had that, the answer to that would be no. If your question is, were there facts that would be relevant to whether he had had some involvement in that, that's going to kind of depend on how you define the relevancy there, in terms of were there facts that there were individuals who were -- how would I describe this -- well, let me back up. Certainly, there was a conclusion on the part of the Intel Community that the Russian Government at the highest levels -- in fact Putin had directed that those intrusions occur. And so then there were facts that were beginning to develop about whether or not there were individuals associated with the campaign that were having communications about the dissemination of that information. That's where I remember the fact pattern being at that point.

MR. GOWDY: And that is the second category. The three pivot points to me are intrusion/pre-intrusion.

MS. YATES: Uh-huh.

MR. GOWDY: Benefitting from the dissemination of information that was gathered as a result of the intrusion, and then the third category I have is just broadly efforts to interfere or otherwise influence a 2016 election.

MS. YATES: Uh-huh.

MR. GOWDY: With respect to the intrusion itself -- I will ask it in a leading way only because we have got to go vote. So if I ask it wrong, then don't answer it.

MS. YATES: Okay.

MR. GOWDY: With respect to the intrusion itself, is it fair to say you did not see evidence the candidate himself was involved prior to the intrusion of the

[REDACTED]

DNC server and/or Podesta email?

MS. YATES: Yeah, I -- I don't recall seeing facts indicating that he had directed that or that he had been involved with the Russians in directing that that intrusion occur. Yes, that's correct.

MR. GOWDY: All right. Fair enough. I guess we got to go vote.

MR. CONAWAY: I appreciate it. As I said, we'll ask [REDACTED] to continue with our time.

MS. YATES: Okay.

MR. CONAWAY: We have three votes. The third one is probably not going to happen. Motion to recommit, final passage, and then -- that may or may not happen. We'll get back [REDACTED] soon as we can. If our side finishes in 45 minutes, then we will flip to you all, and we'll keep it going. Is that okay with everyone?

[REDACTED] Do you want to take a 5-minute break?

[Recess.]

#### EXAMINATION

BY [REDACTED]

Q Thanks again for coming in. It's nice to see you again outside the walls of DOJ. I get the honor of following Mr. Gowdy, so don't hold that against me, but I will just try to do my best here.

A I'm sure you'll do just fine.

Q My lines of questioning will be the same in terms of bookending it as your time, as just -- as Deputy Attorney General at the Department of Justice. Could you just remind me of those exact dates, if you have them?

A Sure, it was 2016 and 2017. I started like January 5th of 2016 as

[REDACTED]

Acting DAG while I was -- I had been nominated at that point but was confirmed sometime after that. I started begin January of -- no, I'm sorry. 2015 not '16. I told you I was bad with dates.

Q No, no. It's all right. Didn't mean to put you on the spot. So my question will just encapsulate that period, nothing before or nothing after. If that's okay with you.

A It would be shorter questioning if it was 2016.

Q As your role as Deputy Attorney General, who would you say you had the most contact with or was your counterpart over at the FBI for national security matters?

A It varied. Either Andy McCabe or Jim Comey.

Q So then -- well, still Deputy Director McCabe and Director Comey.

A Uh-huh. And Mark Giuliano before that when he was --

Q I mean, I remember the tradition being at the Department that the Director of the FBI reports to the Deputy Attorney General. Was that -- is that a consistent when Attorney General Lynch was there and you as Deputy Attorney General?

A It is, but I'm sure you also recall from your time that the FBI jealously guards some level of independence. And so, while that is certainly true, it doesn't operate in the same way that, for example, the other components the Civil Division, Criminal Division, there certainly is more direct interaction and oversight of those components of the Department of Justice than there is of the FBI.

Q Yeah, I will totally agree with that. It is a tough rub. But I think some of that is where some of my questioning will go, ma'am. We started talking about what this committee is charged with the -- for lack of a better phraseology the

Russian active measures campaign during the Presidential election.

Can you tell us when you as Deputy Attorney General first became aware of this – of this investigation?

A Oh, gosh, no. I mean, I just couldn't even begin to put a date on that.

Q No, that's fine. Can you direct us to what piece of evidence or meeting or information that you can remember that was first brought to your attention regarding this entire matter?

A I mean, I just don't have like a point in my mind that this is when I first learned about this. It certainly was something that was, particularly, obviously, in the last months of the time, was something that there was an intense focus on, but I just can't – I don't have a date in my head.

Q Can you – fair enough. Putting the date aside, can you just give us ■ summary of the information that you best remember that sort of was brought to you?

A Yeah, and it was ■ combination of information that came from the National Security Division. I don't have a specific recollection of a particular meeting with this, but generally, I recall, you know, learning from the National Security Division at DOJ, from FBI, when we would have the Monday, Wednesday, Friday meetings over at FBI, but also with the Intel Community more broadly that the information sort of would come from all three of those sources.

Q And do you remember what that information was, or what can you tell us that you remember about that information?

A Well, I mean, the first thing I remember hearing about, but I can't tell you from whom or sort of what the circumstances were, was the hacking issue, was that the Russians had hacked into the DNC, the RNC, I believe, as well

as -- or one element of the Republican committee, [REDACTED]  
[REDACTED]

Q And realizing that, I think as Mr. Gowdy and you conversed earlier, that John Carlin and Mary McCord have sort of --

A Right.

Q -- the day-to-day focus on this sort of level of material. And you have an entire department to run. Would that information, the hacking of the DNC, be something that you as the Deputy Attorney General took a particular interest in because of the subject matter and timing, or it was not?

A No, it was -- I mean, I have a very general recollection of learning that there had been these hacks at a number of places, including the DNC. I did not know at the time how the FBI was in -- that they were going to be notifying everybody that they had been hacked. I didn't know at the time how they were doing that, because [REDACTED] then became an issue later on, obviously, when there were issues with the adequacy or questions about the adequacy of the FBI's warning to the DNC. So that was when I became aware of how they were going about doing those. It wasn't so much at the time. At the time, I just have a general recollection of there were all these hacks; we're going to -- you know, the FBI is going to warn people and not much beyond that.

Q Right. And then, as you indicated some time thereafter, another issue arose that, and correct me if I am wrong, that stuck out as to the adequacy of the sort of disclosure?

A Right.

Q What can you tell us about what happened there?

A What I remember is having discussions with the Bureau where -- and I

don't know how it had come to -- I guess maybe there was some public discussion about it, but there had obviously been an issue that the person that the Bureau had interacted was an IT manager. And I think there was a lot of hubub over the fact he was a contract IT manager, which they were quick to tell me that didn't mean that he was like the guy that was just coming in and plugging in the computers, that he was actually, you know, running the systems of the DNC but just didn't actually happen to be an employee of theirs, that they had interacted with him. I can't -- I don't remember if it was personally or phone calls or whatever it was. They had interacted with him. But it looks like he had not taken the steps that should have been taken to address the breach at the DNC.

And so there was some back and forth about, was that really an adequate way to notify the DNC? And I think Director Comey even testified later, in retrospect, he wishes he had gone over there and like banged on the door.

Q So, and correct me if I am wrong, but would it be fair to say the DNC -- let's just call it the DNC hack server issue -- as that issue evolved over the course of time, would it be fair to say that you obtained more and more knowledge of it as you just sort of stated to us?

A Yeah, I obtained more knowledge in terms of sort of how the notification took place and the adequacy or lack of adequacy of that. You know, I still was not in the weeds in terms of how the hack occurred or, you know, exactly what information was taken; that was not something that I was delving into too deeply.

Q Did that ever occur? Was that information ever brought to your attention when you were Deputy Attorney General?

A I think -- what I recall -- again, this might not be accurate -- they pretty

much got everything.

Q I'm sorry? They?

A "They" being the hackers pretty much got everything.

Q Off the DNC server?

A That was -- that was, but I could be wrong about that.

Q And after the DNC server hack issue, is there ■ sequence of events that you recall that sort of tie that to the general matter that we're speaking here today that is the collusion, coordination, conspiracy between any campaign and the Russian Government, or are there separate incidences? Is there ■ connector?

A I'm sorry. I didn't understand that.

Q Sure, sure. So my line of questioning was, how did this all first come to your attention? And the DNC hack and server issue first --

A Yeah. Let me say it wasn't the DNC hack that first came to my attention. It was the hack of a whole lot of entities that included the DNC --

Q Okay. Thank you.

A -- that first came to my attention.

Q And after all of that information first came to your attention, what happened next? What do you recall along these lines happened next while you were Deputy Attorney General that you were made aware of?

A You know, that's where following the sequence of this -- and I know that this is ■ really important topic, and I can understand why you would want to go in sequence -- but I'm dealing with this at the same time I'm dealing with a whole lot of other things --

Q Sure.

A -- and at the time not knowing what the significance of this was ultimately going to be, so I wasn't like making notes of the sequence. I can't tell you the sequencing.

Q Sure. That's completely fair.

A And I'm trying to help you.

Q No. Let's take sequencing and throw it out the window. What do you remember next?

A Okay. Good.

I remember there being obviously information about the hack about developing that the Intel Community, which included the FBI, developed further information that this was being not only orchestrated by the Russians but directed at high levels within the Russian Government and that it was part of an overall campaign to attempt to influence the election, which included not only hacks but also information campaign through websites, et cetera, that they were doing.

Q So, when the information was brought to your attention that this slew of activity, flurry of activity was -- could possibly be related to interfering with the 2016 Presidential election, did you take any more interest in the investigation itself, or did you have -- did you ask for a briefings?

A Oh, there were certainly a lot of discussions, not just within DOJ, but there were discussions with the Bureau, and there were discussions within the interagency as well, within the NSC about the fact that this interference is going on, and that the Intel Community was trying to get to the bottom of it to figure out what was going on, but everybody was obviously also being sensitive about the fact that we have an election that's coming up and wanting to be careful about how -- how that was handled.



[REDACTED] Five minutes.

BY [REDACTED]

Q Thanks.

Do you recall if you, on behalf of the Department, attended any DCs or PCs?

A Uh-huh.

Q At the NSC regarding that?

A Yeah, I do remember going to some. I couldn't tell you how many, but I do remember going to some. And it was primarily as it related to issues of the intel assessment that then was prepared – and that was being prepared by the Intel Community, so I wasn't really having input into that, but it was being at the DCs, maybe some PCs if the Attorney General was gone, about the information that was being compiled. And then, as the entire community, Intel Community, was making decisions about what would be publicly released at that point as well.

Q And putting aside the ICA, the assessment, being that that entity was being handled by the other components, not necessarily DOJ, what other information was brought to your attention that you recall at these DCs or PCs regarding: Okay. We have a situation where the U.S. election may possibly be being interfered with by a foreign government. What should our response be? What is DOJ's position? What do we need to be doing?

A Yeah, those are the questions. That's what everybody was talking about around the table in trying to grapple with, what level of specificity do we have, and then what level of information should be provided to the American public at this point? And, particularly, the issue that was of great concern then was the efforts that they had identified, and DHS and FBI had identified, of efforts to get

[REDACTED]

[REDACTED]

into State voting systems and being able to interact with the States so that they could harden those systems to ensure that there was no monkeying -- for lack of a better term -- with the vote tally, but also to work with them to harden things like voter registration rolls, where they had identified that the Russians were -- had broken into, had been able to hack into some of that, and were rooting around there, and were trying to address that issue ■ well.

Q So that would seem to be some sort of criminal offense without identifying the statute or whatever. Was it the position or was it the ask of the White House or the NSC that, how should the Department of Justice respond to this? Should we be moving forward on charges? Should we be moving forward on investigation? I'm asking not DOJ as a whole but you there representing the body.

A Yeah, I don't -- well, you know, that certainly could have been in the mix of things that were discussed. I think the primary concern at that point was being able to alert the States so that they could take whatever actions they needed to take to be able to harden their systems.

[REDACTED]

[11:05 a.m.]

BY [REDACTED]

Q Okay. And did you have any coordination with the Attorney General --

A And DHS was handling most -- you know, DHS was the primary agency then that was interacting with the States on that issue.

[REDACTED] One minute.

BY [REDACTED]

Q Okay. So DHS -- thank you.

And DOJ sort of was -- you were just sort of in receive mode?

A I mean, you've been in the sort of DC process before. It's -- right? Have you ever been to one?

Q Yes, ma'am.

A Okay. So you know how -- that you're all around the table, and just because you may not be the primary agency that's handling something. There are certain agencies that are kind of always there and you have an interest in it, but DHS would be the lead agency on that issue.

Q And at these meetings, ma'am, did the -- sort of shifting real quickly --

A And sometimes I would attend those, by the way, DCs. Oftentimes John Carlin would attend DCs, or sometimes Mary McCord from --

Q Actually, you know, before I get into my next line of questioning, I think there's only about 30 second left, so I'll just yield over to the minority for 45 minutes. And we'll return, but I'll keep my fingers crossed that Mr. Gowdy comes back.

A Okay.

## EXAMINATION

BY [REDACTED]

Q Hi. So just a quick point of clarification, based on the line of questioning that occurred. We just want to make certain, there are two separate elements here that were being discussed and I think may have been discussed without delineating the two separately.

One is the counterintelligence investigation that the FBI had commenced in the summer that then-Director Comey had announced at a public hearing publicly in March to this committee; and a separate matter was the policy response to Russia's active measures as a general matter.

A Uh-huh.

Q And we have a line of questioning, we would just want to clarify. So, to the extent that you are able to when you're speaking, is specify information that may relate to the CI investigation and to what extent that information was shared with you, shared with others in the Department by the FBI and/or possibly shared, if at all, with the broader interagency.

And then, as a separate matter, the broader policy response which got to much of what you were discussing in your response right now, which deals with matters separate from the very specific CI investigation. So [REDACTED] just want to make sure that there is no misunderstanding.

A That's a good clarification. And even within the CI investigation, I would note there were also, you would either call them two different or two phases of that investigation.

The first phase is determining whether the Russians were attempting to interfere in our election and what they were doing.

[REDACTED]

The second phase that Director Comey mentioned in his testimony that began in the summer, as I recall, was the phase that was focused on whether or not there were U.S. persons who were working with the Russians in that effort. Because that began even before the summer, the counterintelligence investigation with respect to whether or not there was attempted Russian interference in the election.

Q So we'll have questions on both, but we just want to make sure that --

A Right.

Q -- there are not --

A That was not -- right, right.

Q -- differences between the two, and if there was overlap then to clarify where the overlap may have been.

A Okay.

[REDACTED] But I'll turn it over to [REDACTED].

BY [REDACTED]

Q Hi.

A Hi.

Q I have a couple notes from what Mr. Gowdy talked about earlier, and then I'll just go through chronologically about the events last year.

A Okay.

Q There was some mention of a defensive brief that may have been given to the campaigns. Do you recall why there was a need to provide a defensive brief to the campaigns?

A Well, the defensive brief I was referring to with Congressman Gowdy was there at the end when there was -- he had mentioned the dossier and said,

[REDACTED]

[REDACTED]

you might not have known it as the dossier.

And I think I was telling him, yes, we didn't really -- I don't remember hearing that term until at the very end, you know, in January, as I recall, when President Trump was given a defensive briefing on the information, a summary of the information that was in the dossier so that he would know that this information was out there, for lack of a better term, President-elect Trump at that point.

Q And then [REDACTED] of course, we know the DNC and other entities were hacked. And on June 14th, 2016, The Washington Post publicly disclosed that information. Was that the first time you learned of it or had -- did you already --

A I just -- I don't know. I'm sorry.

Q Shortly before the Democratic National Convention in July 2016, I think nearly 20,000 emails from the DNC were published by WikiLeaks. Do you recall that development?

A Well, I mean, I know that that happened, yes.

Q One of the issues that we're looking into in this investigation is whether there was coordination or collusion between Russia and the Trump campaign, and at this point in time sort of we knew that these emails had been stolen.

A Uh-huh.

Q Did the timing of WikiLeaks dumping the DNC emails just before the Democratic National Convention seem correlated to maximize its impact? Whether the Trump campaign was involved or not.

A Well, no, I don't remember what my thought process was at the time. Sitting here today, I would certainly say yes, that that seems like if you want to have maximum impact, you would try to time it on occasions like that. But I don't

[REDACTED]

remember what my particular thinking was then.

Q I'm going to pause for a second, because Mr. Heck is back and he's kind of leading our questions today.

MR. HECK: Obviously not.

[Discussion off the record.]

MR. HECK: Hi.

MS. YATES: Hello.

MR. HECK: I apologize for the interruption.

MS. YATES: Not at all.

MR. HECK: I want to go back, if I may, please, to the FISA process.

MS. YATES: Sure.

MR. HECK: I just want to make sure I understand it a little bit better and your role.

MS. YATES: Okay.

MR. HECK: As I understood it, you were, as deputy, in a position to sign off on the submission of a FISA request?

MS. YATES: Right. I had the authority to do that, although generally I didn't. Normally, it was the head of the National Security Division who did it.

MR. HECK: Mr. Carlin?

MS. YATES: Right.

MR. HECK: To the best of your recollection, about how many did you, however, sign off on, because, as I recall, Mr. Carlin had departed and there were other instances where he may not have been in town.

MS. YATES: Right.

MR. HECK: So if you had to estimate how many you signed off on in

2016, ballparking it? This isn't dates, Ms. Yates.

MS. YATES: Yeah, I know, I know. But I'm -- let me do it this way: I don't remember exact -- I think -- I think Mr. Carlin left maybe October. I'm not exactly sure. It would not be unusual to get anywhere from -- we may have a day I didn't have any FISAs. I might have a day I had ten. It might average more -- and I'm really guessing here on numbers. You might say five or six.

MR. HECK: A day?

MS. YATES: It could be. Now, some of those are not new FISAs. Oftentimes that would be a reup, as we would call it. The 90-day period had expired. And I would need to sign that, because that needs to be authorized again.

It -- as I said, there could be some days where it's none. They would try oftentimes, particularly if they were routine ones that were reauthorizations that weren't time-sensitive for that day, because this would end up taking a fair amount of time away from everything else I was trying to do, they would group them. So that's the reason why I might have some days with none and other days with five-plus.

MR. HECK: So what --

MS. YATES: I just -- I would totally be guessing if I gave you the number there of how many --

MR. HECK: Educated guesses are helpful sometimes. So if that is the number, more or less, how many of those would be new?

MS. YATES: I would be totally guessing. And I'm hesitant to guess on something this important under oath.

MR. HECK: Would it be more likely to be a minority?



MS. YATES: Yes, the minority would be new.

MR. HECK: Okay. The majority were reauthorizations?

MS. YATES: Right, right.

MR. HECK: For new ones, is the first time you were aware when they brought it to you, or was there anything -- this is my favorite word that I made up -- prefatory that came before?

MS. YATES: It would depend on the sensitivity and difficulty of the FISA. Most of them were relatively routine, so there would not be anything in advance.

And you're going to ask me for examples of others, but there could be others where, for example, I might get a summary from either someone in the National Security Division or someone in my office who oversaw national security matters that would say, they're going to present you with a FISA today on X, Y or Z, I want to let you know here are some unusual issues about this one. That was by far the exception.

The rule, though, was is that most of these were reauthorizations. And if they weren't, most of them were routine, fairly routine.

MR. HECK: For those that were new, what I'm hearing you say is if there was something unusual or difficult -- I think difficult was your word, or challenging.

MS. YATES: Or sensitive or --

MR. HECK: Or sensitive.

MS. YATES: -- you know, particularly noteworthy.

MR. HECK: Right. Then you would have staff input to flag that?

MS. YATES: Right. And they would -- you know, staff -- when they presented these to me, staff would be there as well. It's not just that they, you know, left them in a folder on my desk. They would come in and present them.

MR. HECK: So at the actual time that you signed off, they are present?

MS. YATES: They are there, yes.

MR. HECK: In each and every instance?

MS. YATES: Yes.

MR. HECK: And for the new ones --

MS. YATES: And the reauthorizations, both.

MR. HECK: But for the new ones that were sensitive, challenging, difficult, is that the point at which they would say, I want you to be aware of X, Y and Z?

MS. YATES: It could be that or -- and, again, I know you're going to ask me for examples of when it was, and I'm not going to be able to give you ■ specific one.

MR. HECK: I'm not going to. I'm not going to do that.

MS. YATES: That or ■ could be that John, or it would have been more Mary then, or someone from my staff in the deputy's office would say, you know, there's going to be ■ FISA presented to you today. I want you to know about X, Y or Z on this. I've looked at it. I'm comfortable with this, but I wanted to flag that issue for you.

I mean, that's -- and that's kind of how it works in the DAG's office, because they're so -- the volume of stuff that's coming over your desk every day is such you have to rely on your staff to flag for you those things that might be somewhat out of the ordinary or difficult or challenging so that you have an opportunity to take a closer look or ask more questions.

MR. HECK: What's the actual length of the average request?

MS. YATES: It's thick. I mean, I've never -- I couldn't tell you a page number.

MR. HECK: But it's multiple pages?

MS. YATES: Yes, but it also -- that includes -- oh, yes, it's definitely multiple pages. I mean, I assume if you've seen the Carter Page affidavit, you know that it's long. But it also includes some what I would call sort of standard boilerplate language that is used in those as well. But when you get into the meat of the facts of the affidavit, yes, they're lengthy.

MR. HECK: So, most importantly, thank you for the segue. That is the question I'm going to ask you about, which is the Carter Page one. And I'm going to ask if you can recall the staff conversation with you and/or recollect the content as you perused it on the day that you made that decision?

MS. YATES: No. I remember that I did sign the Carter page FISA warrant. I remember that. I remember this [REDACTED] being flagged as one that I would want to look at closely as opposed to just [REDACTED] purely routine, because of the subject matter here. I remember having discussions, but I can't tell you the specifics of those discussions, sitting here today.

MR. HECK: So do you recall the staff who was flagging it for you?

MS. YATES: Yes. It was Tosh kakar in my office, in the deputy's office, who is a career employee. She's still there.

MR. HECK: And you seemed to recall earlier, however, that the elements of some of Christopher Steele's intelligence reports were a bases for that request.

MS. YATES: I didn't know it -- I don't recall it so much being his reports, although that could be the case. My recollection of it is more he provided information to the FBI that was based on information he had gotten from other individuals. That same information may have also been included in reports that have later come to be known as the dossier, but that's not sort of the frame that I

recall it being. It was more this was information that was given to the FBI.

MR. HECK: And what other parts or elements do you recall?

MS. YATES: I'm sorry, I don't understand the question.

MR. HECK: Well, you remember that Christopher Steele's and Justice Department relationship and input was a part of the frame.

MS. YATES: Right, right.

MR. HECK: Do you recall other parts?

MS. YATES: I seem to recall there was other information from other agencies as well, but I'm just really -- I don't recall specifics of that right now.

MR. HECK: Okay. I want to transition.

MS. YATES: Okay.

MR. HECK: I'm not sure how the majority ended its questions of you, so, again, if I'm duplicative, I apologize.

I want to kind of go back to the beginning and ask when you first learned that Russia was meddling in the 2016 election. Do you have a recollection of when you first were made aware of this?

MS. YATES: No. And that is one of the topics that we covered a few minutes ago. And I don't recall the moment I first learned that. Sorry.

MR. HECK: Do you recall what your reaction was when you first learned of it, and what it was about interference that you remember? If you don't recall when, do you recall what?

MS. YATES: No. And the way I recall this, and it could be because, you know, after -- in a very busy 2-year period, you tend to conflate events together. I don't recall this being I learned on one day the specifics of Russian attempts to interfere in our election. It was an evolving set of facts with greater specificity that

[REDACTED]

the Intel community was developing. So it's not like the first I ever heard of it it was all tied up in a bow and done.

So I don't recall the sort of holy cow response that you would have if you learned about what they knew, for example, by January that was put out in the assessment then, because this was coming in piecemeal.

MR. HECK: So then more recently, however, than the summer, as I recall -- correct me if I'm wrong -- I would ask you the same question about when and how you first became aware that General Flynn had been in contact with the Russian Ambassador?

MS. YATES: I learned that in early January of this year from both the FBI and the National Security Division.

MR. HECK: Do you recall the setting or instance when you were informed?

MS. YATES: [REDACTED]

[REDACTED]

MR. HECK: [REDACTED]

[REDACTED]

MS. YATES: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR. HECK: What was your reaction?

MS. YATES: Well, I was certainly surprised about it. And people at the Bureau and in the National Security Division were concerned about it. And we were trying to get more information to get to the bottom of it, [REDACTED]

[REDACTED]

You know, they're usually good [REDACTED] the particular [REDACTED] but given what this was, we wanted to make sure that we really understood what was going on here.

MR. HECK: Why was the Bureau concerned?

MS. YATES: Well, for a couple reasons. Because, putting aside any [REDACTED]

[REDACTED]

[REDACTED] And this was early on before -- this is before the false statements and all started. So this was early on when we first learned about this information, and -- but certainly inconsistent with what the practice has been in terms of, you know, one President, one administration at a time.

And then there were concerns about whether this was a violation of the Logan Act, which prohibits someone acting on behalf of the United States. And so those were the dual concerns at that point.

MR. HECK: Was it your sense that incoming ad -- did you start a sentence?

[REDACTED]

[REDACTED]

MS. YATES: No, no, go ahead.

MR. HECK: Was it your sense that incoming administrations or people on their behalf never have contact with representatives of foreign governments?

MS. YATES: No. I don't think that that was anybody's sense there, that you would never have any contact. I think what -- as they described it to me, what seemed different about this was that he was having conversations with the Russians attempting to influence their conduct now during this administration, and that that would be unusual and troubling.

MR. HECK: And --

MS. YATES: And it also -- given that it was the Russians, there's sort of an extra concern there as well, [REDACTED]

MR. HECK: So the knowledge that there was ■■ effort, potentially ■■ effort underway to influence the policy, did you believe that constituted ■ violation of the Logan Act?

MS. YATES: You know, we never made sort of an official determination as to whether it did. There certainly was discussion at the Department of Justice that it was a potential violation of the Logan Act. I can't tell you that we ever sort of went through and made the determination one way or the other.

MR. HECK: You said putting aside criminal issues. Are there any potential -- were you concerned there were potential criminal issues in addition to the Logan Act?

MS. YATES: [REDACTED]

[REDACTED]

[REDACTED]

MR. HECK: How are we doing, [REDACTED]

[REDACTED] You have 17 minutes.

MR. HECK: Ms. Yates, this committee has terms of reference to proceed to pursue answers to four key questions. I think Mr. Gowdy alluded to one of them.

Taken together, they are ■ follows: What Russian cyber activity and other active measures were directed against the U.S. and its allies; did the Russian active measures include links between Russia and individuals associated with political campaigns or any other U.S. persons; what possible leaks of classified information took place related to the Intelligence Community assessment of these matters; and that which is actually third, what was the U.S. Government's response to these active measures?

And the part that's never mentioned and that I want to talk with you about, and what do we need to do to protect ourselves and our allies in the future? To opine inappropriately perhaps, I don't think we spend enough time talking about what we can do to protect ourselves.

[REDACTED]



And obviously, you've testified to the Russian active measures that were taken against us. I know you treasure the Constitution, and I know this because the manner in which you treasure it actually caused you to have to pay a price earlier this calendar year.

And I know, therefore, that you probably treasure all aspects of it, including the First Amendment, which seems to be ■ challenge for us as we seek to chart a path forward on how is it that we can respect all the parts of our Constitution and yet protect ourselves and our allies in the future against these active measures.

I hope and I imagine that you spent some of your time over the last 11 months maybe thinking a little bit about this. And so I want to ask you, based on your experience at Justice and what you saw the Russians do in 2016, what is it you think that we can do and that will respect all parts of our Constitution to ensure that we do not have foreign governments determining the outcome of our democracy?

MS. YATES: Well, look, I'm not going to pretend that I have the answer to that question. As I think we were talking about out front, I think the fact that you're having these hearings is ■ reflection that you and we all should really care about this, regardless of one's party affiliation. And so certainly, going forward, these are not going to be particularly insightful or original ideas here, so I'll just warn you you can put your pen down, because I'm probably not going to come up with anything great here.

But certainly, we have to be in a position where our systems are hardened. You know, we talked a little bit with staff when you all were gone about the interaction that we had had early on with folks across the country, because the Russians were clearly trying to get into our systems. I did not see any evidence

[REDACTED]

that they actually got into vote tallying systems, so I'm not suggesting that, but they were rooting around in all sorts of stuff. [REDACTED]

[REDACTED] They were trying to get in.

We shouldn't assume that their capabilities have frozen at what they were before. And just because they didn't get into some of these other areas before doesn't mean that they won't be able to in the future. So certainly one of the things I think we need to be doing is everybody being really focused on that.

And my understanding is Homeland Security is working with the States now. I have no idea what the level of attention it is that's being given to this and whether people really see this is the crisis that I actually think that it could be if we don't pay enough attention to that. And, again, I would think everybody would want to do that. We wouldn't want anybody, whether it's a foreign adversary or not, being able to hack in.

I also think -- and I know that there have been hearings that have been going on here on the Hill the last couple of days with some of the social media companies, in terms of how that -- how the Russians were using various aspects of social media. I think being able to educate the public that like what they read on their Twitter feed or other places isn't necessarily accurate and there can be people who are behind it that you don't know, and it can be ■ foreign adversary who's behind that information.

That's really essential. I know that sounds basic, but I'm not sure how discerning many people are with their news feeds right now to be able to recognize that just because you read it there on Facebook doesn't make it so.

So certainly that's an issue. To the extent that we can identify people to prosecute, I'm a prosecutor, I always believe in putting people in jail in terms of

[REDACTED]

being ■ good deterrent to conduct. And so if there are foreign adversaries or U.S. citizens who have participated in this, I think it is a reflection of the seriousness with which our country takes this conduct that it would be pursued criminally and also can have an important deterrent effect going forward.

So those are the things that immediately come to mind, but as a -- I will confess to you I recognize none of those are original or particularly insightful.

MR. HECK: You'd be surprised.

You characterized this as ■ crisis or a potential crisis. Can you give a little more color to that?

MS. YATES: Well, I just mean to the extent that we see what the Russians were able to do almost sort of coming out of nowhere in terms of -- you know, they've been trying to interfere in elections for a long time. I think we all recognize this is not the first time.

But their level of sophistication this time and their success in what they were able to do should be frightening to everybody, in terms of being able to protect the sanctity of our electoral process. And, as I said, I don't think we should assume that their capabilities were frozen at what they were in the 2016 election. We don't have any idea right now what they're capable of. And I think that we should be focusing on that.

MR. HECK: So you have characterized that what they did in 2016 was on ■ scale that was unprecedented.

MS. YATES: That's my understanding. I'm no expert at this. That's my understanding from the Intel Community, though, and their assessments and in my conversations with them.

MR. HECK: Okay. I yield to the ranking member.

[REDACTED]

MR. SCHIFF: Deputy Attorney General, thank you for being here and thanks for your service to the country.

MS. YATES: Thank you. It was a privilege.

MR. SCHIFF: I wanted to ask you, we've had briefings about the different counterintelligence investigations that were opened by the FBI. I don't know how many of them were open at the time you left your position, but you mentioned that there was [REDACTED] of Flynn that had been ongoing. And do you know how early that had begun or why that had begun?

MS. YATES: No. And actually, that was not something about which I was

[REDACTED]

That's how I remember it. I don't remember knowing before that.

MR. SCHIFF: [REDACTED]

[REDACTED]

MS. YATES: That's my understanding is that they had been looking

[REDACTED]

MR. SCHIFF: And obviously, if that [REDACTED]  
[REDACTED] that long predates anything to do with Christopher Steele or the dossier, does it not?

MS. YATES: Right.

MR. SCHIFF: And were you aware of the counterintelligence investigation

[REDACTED]

involving George Papadopoulos at the time you were at Justice?

MS. YATES: You know, I remember his name being in the mix, not exactly an official term here. I remember his — but I don't remember specifics about him.

MR. SCHIFF: And do you remember the information concerning [REDACTED] that was in the FISA application?

MS. YATES: No, I don't.

MR. SCHIFF: Do you have any reason to — well, the information that's been provided to us was that [REDACTED] information came independent of Christopher Steele or the dossier. Do you have any reason to believe that that is not the case?

MS. YATES: No. I mean, I have a recollection that there was information in the FISA warrant, some of which came from Steele and some of which came from others. I just can't, sitting here today, tell you the specifics of what that was.

MR. SCHIFF: And similarly, are you aware of [REDACTED]

MS. YATES: Yes.

MR. SCHIFF: And do you know the origins of that investigation?

MS. YATES: [REDACTED]

MR. SCHIFF: But that also goes back several years, does it not?

MS. YATES: Yes, yes.

MR. SCHIFF: I ask these questions, because there's sort of a public —

MS. YATES: 2014, I believe, but I'm not sure about that.

MR. SCHIFF: There's ■ public narrative that everything all goes back to the dossier. In terms of the counterintelligence investigations that were open that you're aware of, in fact, might even predate the dossier, do they not?

MS. YATES: Yes. Certainly those with respect to Flynn and ■

MR. SCHIFF: So to say that this all derives its origin from the work of Fusion GPS or Christopher Steele would not be an accurate statement?

MS. YATES: No. No, that's not.

MR. SCHIFF: Were you aware of the meeting that is alleged to have taken place between Flynn, Kushner, and the Russian Ambassador?

MS. YATES: No. I only read about that in the media after I left. I did not know about that at the time I was there.

MR. SCHIFF: The concerns that you had when you learned that General Flynn had been in discussions with the Russian Ambassador over sanctions in ■ manner that might contradict the then policy of the Obama administration, would those have been heightened if you had learned that General Flynn, Jared Kushner, and the Ambassador discussed establishing a secret back channel of communications with the Russians?

MS. YATES: Look, we – and I say the broad "we" here, being DOJ, FBI, and the Intel Community – were concerned just about the discussions that I was aware of here with Ambassador Kislyak. Certainly, had I been aware of there being more contact with respect to taking actions during the Obama administration, yes, that would have heightened my concerns. But, ■ I said, I didn't know about that at the time.

MR. SCHIFF: Can you see any – from your national security experience, any legitimate purpose behind establishing a channel of communications through

[REDACTED]

the Russian diplomatic facilities that would be kept secret from the existing U.S. Government?

MS. YATES: Look, I don't know about that, so I don't want to say whether there could be any -- I can't imagine what that is, but I don't feel like I should say that there couldn't be any, because I don't know what they were thinking.

MR. SCHIFF: Well, let me get back to the course of events that took place after you were informed that General Flynn was in conversation with the Russian Ambassador. At some point, there was a decision made to notify both the administration as well as the transition team. Can you talk about that?

MS. YATES: To notify the administration about the contacts with -- that General Flynn had had with Ambassador Kislyak?

MR. SCHIFF: Correct.

MS. YATES: That, I wasn't involved in. That must have come from the Intel Community, because I wasn't involved in decisions to advise the current Obama administration. Now, I was very involved in the decision to advise the Trump administration after they were in office, but not before that.

MR. SCHIFF: And tell us about how you got involved in that process.

MS. YATES: And we had discussions, actually, about advising the Trump administration prior to the time that -- of inauguration day. So there were discussions going on within DOJ and with the Intel Community about bringing that to the attention of the Trump administration. It was over time when we first learned of this and trying to get to the bottom of this, getting the full transcripts of it.

And then the situation was exacerbated by the false representations that were being made. And we believed -- or didn't have any reason to believe that

[REDACTED]

they were being made knowingly, but that were being made by both Sean Spicer, by I believe Mr. Priebus and by the Vice President about what the content of those discussions was.

And that really heightened everyone's concern, because at that point we thought not only did this increase the likelihood of this information being able to be used to compromise General Flynn, it also appeared that General Flynn was misleading people in the Trump administration. And we felt like they were entitled to know about that, that they needed to know that the National Security Advisor was not only giving them false information, but giving them false information for the purpose of sending those people out to go out and mislead the American people.

MR. SCHIFF: And so what steps did you take as a result of learning of that and having that concern?

MS. YATES: I contacted Don McGhan and told him that I -- and I'll try to do a shortcut version of this since I've testified about it once, unless you want me to go through it in all the detail here.

MR. SCHIFF: Why don't you give us the shortcut, and we may have some followup that you were not able to discuss in the public setting.

MS. YATES: Okay. And told him -- and this was after we had had discussion, by the way, with various members of the Intel Community about how we would go about making this notification. So I contacted McGhan and told him that I had a really important matter that we needed to discuss with him, couldn't do it over the phone, and I needed to come see him that day.

And so I went to the White House that day with Mary McCord, who was the acting head of the National Security Division. And this was at a point where -- this



[REDACTED]

was after what we call the Sean Spicer double-down, where he had gone out and publicly said there was one conversation, four topics, and he went through the topics that he had said were part of the discussion, of like Christmas greetings and things like that, none of which had anything to do with the substance of the discussions about sanctions or the matters before the U.N.

So told Mr. McGhan needed to meet with him. Mary and I went over. We met with Mr. McGhan in his office, which is also ■ SCiF, so we could discuss classified information there. He had ■ member of his office, from the White House Counsel's Office that I'm embarrassed I don't remember his name, but a member from the White House Counsel's Office there.

And I told him -- you know, we started the discussion by telling him that there had been these various representations that had been made publicly by the Vice President and by other members of the administration about the subject matter of the phone calls with the Russian Ambassador, and that that wasn't true and how we knew it wasn't true --

[REDACTED] Five minutes.

MS. YATES: -- because I didn't want him to think -- pardon me?

[REDACTED] Five minutes.

MS. YATES: Five minutes? Okay. I'll speed it up.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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[REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

MS. YATES: Wasn't just supportive. [REDACTED]

[REDACTED]

[REDACTED] One minute.

MS. YATES: [REDACTED]

[REDACTED]

[REDACTED]

MR. SCHIFF: [REDACTED]

[REDACTED]

[REDACTED]

MS. YATES: Or that they would do so, yes. They would do so.

MR. SCHIFF: That's a pretty clear violation of the Logan Act, probably as clear as you can get. I know there are questions about enforceability of the Logan Act --

That's time.

MR. SCHIFF: -- but did that prompt a discussion at Justice of whether a violation of the Logan Act had occurred?

MS. YATES: And I don't think I'm supposed to give up the internal deliberations of DOJ. I probably went further than I'm supposed to right now so --

MR. O'NEIL: So just to be clear, the discussions related to Flynn, we obtained guidance from the Justice Department, because this committee had made clear it had planned to ask Ms. Yates about that prior to the hearing that was scheduled. But the Department did not give her permission to talk about deliberative discussions relating to that, so I'm going to stop her there.

MR. SCHIFF: Okay.

MR. CONAWAY: Your time is up.

MR. SCHIFF: Time's up? Okay. I yield back.

MR. CONAWAY: Do you need a break?

MS. YATES: I'm fine.

MR. SCHIFF: It feels like a meat locker now, doesn't it?

MS. YATES: Yes. I think I may get that blanket, actually, like an old person with it over my lap.

MR. CONAWAY: I think we decided to do 30-minute swaps on the second round.

In your conversation with Denny on Flynn, you said -- I think you heard you

say that there was widespread concern -- relative to General Flynn, widespread concern at DOJ and at the Bureau about this issue and things that are going on. Does that mean that his name was generally available to anybody in those conversations?

MS. YATES: I don't think I used the word "widespread," just because I'm not sure I normally use that word, but if I did I do.

MR. CONAWAY: What I got from you was that there were a lot of people involved in these conversations back and forth. And how would they have known General Flynn's name, or was General Flynn's name specifically a part of that? However extensive the concern was, was it about specifically Flynn or just a U.S. General One?

MS. YATES: No. First of all, there wasn't a large number of people involved in these discussions. It would be, you know, a few people in the National Security Division, you know, a few people at FBI, my office. It wasn't like this was something that was broadly discussed --

MR. CONAWAY: Okay.

MS. YATES: -- even within the National Security --

MR. CONAWAY: But all of those folks would have known General Flynn's name?

MS. YATES: Right. I mean, when -- I will tell you when this -- and I know that this has been a matter of much debate.

When this information was provided to me, nobody was ever asking for his name to be unmasked. It was provided with the name in it. And I think that's because to understand the import of this discussion, you would need to know who the Russian Ambassador was talking to about this. If it was some guy off the

street, it wouldn't have had the same level of import as it being the Russian Ambassador -- I mean, excuse me, as it being Mr. Flynn.

MR. CONAWAY: Okay. [REDACTED]

[Discussion off the record.]

MR. CONAWAY: So it came to you [REDACTED]?

MS. YATES: That's right.

MR. CONAWAY: Which meant that you didn't [REDACTED]?

MS. YATES: No.

MR. CONAWAY: Somebody else in the system had?

MS. YATES: Yes.

MR. CONAWAY: But, obviously, [REDACTED]

[REDACTED] And I agree with the reason, you'd have to know that, but just the mechanics of getting that in place.

MS. YATES: I don't know who made that decision.

MR. CONAWAY: Okay. [REDACTED]

MS. YATES: No, [REDACTED]

MR. CONAWAY: Okay.

MS. YATES: Not that I'm aware of.

MR. CONAWAY: Okay. So let me ask you about mechanics of CI investigations. Let's assume that you started a CI investigation on me as a result

[REDACTED]

MS. YATES: I don't know the answer to that, because in my capacity ■■ Deputy Attorney General, I wasn't involved in the mechanical part of opening or closing CIs or any of the -- I don't mean to make it sound like paperwork, but that's kind of what it --

MR. CONAWAY: It may just be a distinction, but -- okay.

MS. YATES: Yeah, I just wouldn't -- I was never involved in that aspect.

MR. CONAWAY: And I think you said earlier that you weren't specifically aware of whatever trigger the FBI used to start the CI on Flynn, but it was something to do with Russia?

MS. YATES: Right. That's right. [REDACTED]

[REDACTED]

MR. CONAWAY: Right. Then my colleague made specific reference to something [REDACTED] being the trigger, and you said yes.

MS. YATES: I don't know that that was the trigger.

MR. CONAWAY: He phrased the question very artfully to get you to say yes to something that I don't know that you necessarily were saying yes to earlier on. If you do know [REDACTED] that's fine.

MS. YATES: No, no, no, I don't know that that was the trigger.

MR. CONAWAY: Okay.

MS. YATES: I have some recollection that that was a topic, that was one

[REDACTED]

[REDACTED]

of the topics that was included. But if I said yes to trigger, then I wasn't being as precise as I should have been.

MR. CONAWAY: So we're looking at this Flynn timeframe, let's say from the election through early January. I'm a CPA by profession and so sometimes I compress all events into a single mosaic, which it's sometimes hard to pick out --

MS. YATES: My whole 2 years as DAG is compressed into just a -- to be honest with you, which I'm sorry about that.

MR. CONAWAY: So I'm trying to spread it back out to see how quickly after [REDACTED] would you have become aware that that was going on. I don't know how long it takes stuff to percolate through the various folks. [REDACTED]

[REDACTED]

So how long do you think it was for those [REDACTED]

[REDACTED]

MS. YATES: [REDACTED]

[REDACTED]

MR. CONAWAY: I know there were calls then.

MS. YATES: There could have been calls before that that I'm just not aware of.

MR. CONAWAY: Okay, got you. So whatever Flynn might or might not have done -- and if he did something bad then he needs to pay the price for that -- should his name have been in the public arena in December?

MS. YATES: If you're asking me should information about this

[REDACTED]



investigation have been in the public arena, the answer to that is no.

MR. CONAWAY: Okay. How about his name specifically?

MS. YATES: I don't know what you mean by his name. His name about what?

MR. CONAWAY: So we've got news reports where General Flynn's name is out. January 12th. Okay. Well, I take that back. Then it was later than that. It was not in December.

But when should his name have come out into the public arena?

MS. YATES: Well, I don't believe investigative information should come out at all.

MR. CONAWAY: Okay. So his name is out on January 12th or later. Some of us call that a leak, whatever. As an American citizen, is that okay? Let's assume that. Is it good or bad that his name came out?

MS. YATES: It's bad. And it would be bad whether he was an American citizen or a foreign man.

MR. CONAWAY: There's some rationale that for a greater good we ought to break that rule and kick his name out. Is that the ends justify the means, kind of thing?

MS. YATES: No. Look, I've been a prosecutor for -- I was a prosecutor for almost 30 years. You're not supposed to disclose information like that for the greater good.

MR. CONAWAY: I agree with you.

I yield to my colleague. Thank you.

MR. GOWDY: Madam Attorney General, I'm going to try to cover three areas --

MS. YATES: I don't think 10 days as acting actually earns me that, but thank you for that.

MR. GOWDY: I was just sitting there thinking to go from being a line AUSA to being the top law enforcement official for the country, it's a pretty great country we live in that you can do that. So I will call you by your highest title, and then I'm going to turn it over to my friend from Ohio.

I want to be really, really careful to stay within the jurisdictional parameters, so I'm going to preface my question by that, because I got some good lawyers sitting over there that are going to be really keenly interested in where this question is going. So I'm just going to ask them to be patient with me for a second.

I think one of the things our committee is looking at is not just Russia's direct impact in 2016, but also indirect impacts on the electoral process. And I do have — well, I won't say colleagues on the other side of the aisle. There are people who believe that Director Comey's July 5th press conference had an impact on the 2016 electoral process; and to the extent they don't think that, they certainly think the letters in October and November had an impact.

So I don't want to litigate any of that. I don't want to litigate or have any conversation about Director Comey's decision to charge or not charge. I am interested in whether or not his decision to make the decision himself may have been influenced by anything other than a tarmac visit. So when did you learn that Director Comey would be having ■ press conference and making a decision not to charge?

MR. O'NEIL: I appreciate the question. I think it is beyond the jurisdictional scope. ■ is certainly beyond the jurisdictional scope that we

discussed with your staff.

MR. GOWDY: Will you give me an opportunity to tie it up?

MR. O'NEIL: I mean, of course. But based on the question that's on the table --

MS. YATES: This is when you say, I'm going to link it up?

MR. GOWDY: Well, this is how I'll link it up. I don't care about the tarmac. I don't care about his decision not to charge. I mean, for purposes of today, I don't want to discuss either one of those.

To the extent there has been press reporting and/or other evidence, intelligence information that his decision was impacted by something that Russia did, I do think it's relevant. If we're studying -- if we're investigating impacts on the 2016 electoral process and people believe that Director Comey's press conference and/or subsequent letters had an impact on that, and if Russia was part of his decision to appropriate that decision away from the Department of Justice, I think there's a pretty direct link between what they did and a decision made by ■ U.S. --

MR. SCHIFF: Would the gentleman yield just for a minute?

MS. YATES: Because I think I can answer your question.

MR. SCHIFF: I was just going to say -- and I think it's perfectly appropriate for Mr. Gowdy to ask if you have information about whether the Russians provided disinformation about any connection between the DNC and the Attorney General that formed the basis of Director Comey's decisionmaking. I think it's perfectly appropriate to ask are you aware of whether there was Russian disinformation in that. Beyond that, it's probably -- to go into the whole decisionmaking process is probably beyond her scope, but I think that's within our scope.

MR. GOWDY: And that is what I'm -- and I appreciate my friend from

California. That is exactly what I'm asking. I don't care about any other part of it other than whether or not something a foreign actor did influenced the head of the FBI to make what was a pretty unusual decision to appropriate a decisionmaking process to himself.

[Discussion off the record.]

MS. YATES: I'm not aware of any Russian disinformation having any influence on Director Comey's decision to hold the press conference and take the other actions that he did.

MR. GOWDY: Fair enough. Thank you.

Two more lines of inquiry and then I'll turn it over to Mr. Turner.

Ms. McCord -- well, I won't do it that way. Do you recall any conversations with Ms. McCord about any communications she received from an email account that may have been titled General Flynn?

MS. YATES: Yes.

MR. GOWDY: What do you recall about that?

MS. YATES: And, you know, the specifics are fuzzy except what I remember is how weird it was that she got an email, I think it was after we had gone over there maybe the first time, after our first meeting, that was purportedly from General Flynn. It said something to the effect -- and look, I could be wrong about what -- of like we need to follow up or something like that.

And then later -- I mean, I remember her raising this with other people. And we were just befuddled with why General Flynn would be emailing her. And then later, it came out that it was actually someone from the White House Counsel's Office -- I don't remember the name of who it was -- had said something to the effect of he had been in General Flynn's office or General Flynn had been in

his office and had left his phone there, and somehow they got the phones mixed up and they had the same code or some sort of business, and that he had been the one to send -- John Eisenberg. Thank you, I didn't remember that name. Somehow he had sent an email from General Flynn's phone on his email to Mary inadvertently.

MR. GOWDY: Is that all you recall about that?

MS. YATES: It is, yes.

MR. GOWDY: When you -- if memory serves me, you would have met twice with Mr. McGhan?

MS. YATES: Right, uh-huh.

MR. GOWDY: During either of those meetings, did Mr. McGhan ask you to do anything that you considered to be improper?

MS. YATES: No.

MR. GOWDY: Did he ask you to do anything that you considered to be violative of DOJ policy?

MS. YATES: No. I mean, he asked a question I wouldn't answer, but I don't consider that -- I wouldn't say he was asking me to violate DOJ policy. I don't blame him for asking the question.

MR. GOWDY: Is it fair to say that he asked if he could ask you a question, and you said, yes, but I can't provide the answer? Is that a fair summary of that exchange?

MS. YATES: If you're referring to when he asked if it was a criminal investigation?

MR. GOWDY: Yes.

MS. YATES: I think something like can I ask you if it's a criminal

investigation? And I think I responded, well, you can ask, but I'm not going to tell you, or something along the lines like that.

MR. GOWDY: Did he let it go --

MS. YATES: I think that's how I --

MR. GOWDY: Did he let it go at that point?

MS. YATES: Yeah, I don't recall -- he didn't push. I don't recall being pushed on it.

[12:05 p.m.]

MR. GOWDY: Do you recall him trying to exert any influence at all over any decisions that were within your gambit?

MS. YATES: Well, that's a broad question. In the second meeting -- certainly, in the first meeting, no. In the second meeting, I wouldn't -- I don't want to characterize it as him trying to influence me.

There was certainly a different tone in the second meeting than had been the case the day before, and he was a bit more combative and challenging. Combative may even be too strong. He, you know, was asking me what is -- why does DOJ care if one White House official is lying to another White House official? Essentially, why does DOJ got its nose in this? He didn't use those words. That's my characterization.

And then the challenging -- the reason why I paused on that is that he then brought up the Logan Act and was saying, what are the chances that DOJ would actually prosecute a violation of the Logan Act? It's never been prosecuted. Actually, I think ■ was ■■■ time and maybe then reversed, but -- or something along those lines.

So he was challenge -- I mean, there was a bit of a challenge of, look, even if this is a crime, you would never prosecute it. And that's when I tried to bring him back to, look, we weren't here just trying to tell you that your national security adviser may have committed ■ crime.

So that's probably a more long-winded answer than you wanted there.

MR. GOWDY: No. I'm going to followup. To the extent the tone may have been different in meeting two as opposed to meeting one, I want to know every distinction, every difference and how you perceived the second conversation differently from the first one, if at all. So if there's more to add to that answer, I think everybody wants to know.

I mean, there is a difference between asking someone a question and exerting influence on someone. But I was not in the conversation, so it's important what he said. It's also important what you heard and how you took it.

MS. YATES: Yeah. Look, I'm not trying to overstate what the distinction was. The first meeting I was telling him this information, he seemed to clearly get how serious this was. I mean, he didn't utter the words "holy cow" or a version of that, but that was the gist of how I felt like he reacted in the first meeting.

In the second meeting, I don't mean to create the impression -- I mean, he wasn't yelling at me or anything like -- but it was definitely a more resistant tone and more challenging in terms of why does DOJ care about this, you know, you're not really going to prosecute this. It was more resistant. I'm not saying that it was, you know, out of bounds, but it was different than the first day.

MR. GOWDY: I'm going to play devil's advocate, which I don't like to do, but I want to do it just to flesh out the different questions that somebody else might potentially ask. Let's use a different fact pattern.

If Mick Mulvaney, the OMB director, made a factual misrepresentation to the Secretary of Agriculture, someone in the administration might ask, what -- how was that of concern to the Department of Justice that one administration official misled another administration official.

MS. YATES: Uh-huh.



MR. GOWDY: How do you view what General Flynn may have said to Vice President Pence to be differently or view ■ differently?

MS. YATES: Well, I think that was when he made that statement in the second conversation. I tried to bring him back because I thought he was missing the import of what ■ were trying to tell him there, either missing it or he was excluding the import of what we were trying to tell him, and that was this wasn't simply a description you had just described there of one White House official lying to another.

First of all, there was ■ real problem with his underlying conduct. We've got General Flynn, the incoming national security adviser, having discussions with the Russians about sanctions that are going on in the Obama administration and matters pending before the U.N. Security Council during this administration. It was a problem with the underlying conduct to begin with.

Then you had the issue of, he -- it wasn't just one lying to another. It was one lying to another and then sending the Vice President, of all the people in the world, out to lie to the American public.

And then on top of that, that we weren't the only ones -- and I remember using these words, I believe, of we weren't the only ones who knew he had lied, that the Russians likely knew he had lied as well, and that they also likely probably had tapes of it.

And that put him in a compromising position with the Russians, not just for the underlying conduct but the fact that he had lied to the Vice President and then importantly sent the VP out and others out to lie to the American public. So it's not even ■ private lie. It's a very public lie, and it's the very public lie that creates more of the situation for compromise.

[REDACTED]

MR. GOWDY: After your second meeting with White House counsel McGahn, did he contact you at all by any form, any means about this fact pattern?

MS. YATES: Well, we had -- he had asked at the end of the second meeting [REDACTED]

Told him we were inclined to do it, we would -- Mary was going to coordinate with FBI over the weekend and get it all set up so that they could -- I [REDACTED] -- come over to the FBI Monday morning to look at [REDACTED]

So we left it that, you know, we would confer with FBI and try to get things arranged. And so I called him to let him know that things were ready for him. He didn't get back to me until the end of the day, and other intervening events happened that day with respect to the travel ban. And so when we spoke, we also discussed the travel ban, and I obviously wasn't part of DOJ a few hours later.

MR. GOWDY: Okay. Last line of inquiry, and it's totally --

MR. CONAWAY: Before you leave that real quick. First meeting with McGahn, he had no idea why you were coming?

MS. YATES: No.

MR. CONAWAY: Okay. So first impression.

The second day, could the change in tenor be attributed -- and, again, this is psychological nonsense, but could it be attributed to the fact that he's about to have to go tell his boss to fire the national security adviser and he wanted to make sure he had the case nailed down before he would do that? Is that --

[REDACTED]

MS. YATES: I can't speculate as to why his tenor was different and -- look, again, I want to be fair to Mr. McGahn here.

MR. CONAWAY: Right.

MS. YATES: I'm not trying to overstate what the difference in his tenor was. It was markedly different, and I think Mary -- I recall when we left, we talked about on our way out that it was markedly different.

But I'm not suggesting to you that he was, you know, screaming or pacing the floor. I mean, he doesn't doing that. It was just -- it was a more combative, defensive tenor that it had been the time before.

MR. GOWDY: New category. Go back to the courtroom. You have an informant in front of the jury, and you've got to decide whether or not you're going to let defense counsel examine your -- this informant or whether you're going to try to take the sting out of it. Would you ask an informant whether or not he or she was being compensated by the government as -- in connection with his work?

MS. YATES: Everybody has their own style and strategic approach to how they address those things. My strategic approach was generally to front that to the jury and to tell them about it during direct examination. I'm not going to tell you there's a right or wrong way to do that, but that generally was my practice.

MR. GOWDY: Let's assume you had the right way of doing it. You would ask about compensation?

MS. YATES: Right.

MR. GOWDY: You would ask whether or not the informant was working off charges?

MS. YATES: Yes.

MR. GOWDY: I guess, there's the remote possibility the informant was just

[REDACTED]

a civically minded citizen that just wanted to help the government?

MS. YATES: It happens more often than you might think, yes.

MR. GOWDY: You would ask whether or not that witness had a pecuniary interest in the outcome?

MS. YATES: Well, if they had a pecuniary interest. I mean, usually they don't. But if they had one, I would certainly try to front that, yes.

MR. GOWDY: You would certainly ask the informant whether or not the informant had the ability to perceive the events or acts to which he or she was about to testify?

MS. YATES: Well, normally it would be clear. I didn't normally ask that question actually because I didn't do many like bank robbery-type cases where you would be talking about eyewitness testimony. I did more white collar and public corruption work, and so it wasn't usually like that. But I would always try to be clear with how they knew information.

MR. GOWDY: And the reason you would go through those questions would be because in the eyes of the finder of fact, you wanted to arm the finder of fact with what? Why would you do that in a courtroom? Why would you ask those questions of an informant?

MS. YATES: I think with any witness you want the jury to be able to assess the credibility of the witness and any motivations that they might have or bias that they might have in the course of that.

MR. GOWDY: Is it fair to say that all of that would go ultimately to the issue of whether or not the fact finder believed the witness?

MS. YATES: It can. Although, I mean, as a prosecutor yourself, I'm sure you have had experience with witnesses that are very unsavory and have done

[REDACTED]

really bad things and have a whole lot to gain out of their testimony because they're going to get ■ sentence reduction. And that doesn't mean that what they're saying isn't true, and it doesn't mean that ■ jury won't believe them because they convict people based on that testimony every day.

MR. GOWDY: I say it all the time: Friends can lie and enemies can tell the truth. But despite that, we still go through that litany of factors that might influence the believability of a witness.

MS. YATES: Uh-huh.

MR. GOWDY: All right. With that, Mr. Turner, from Ohio.

MR. TURNER: Thank you, Mr. Gowdy.

Ms. Yates, like Mr. Conaway, I'm not a prosecutor, not a litigator, so I ask for your patience in going through these questions.

MS. YATES: Okay.

MR. TURNER: I have ■ series of questions that I'm going to ask you, but before asking you those questions I'm going to go through the details of a number of meetings that you attended that others have testified about. So far all of your information you provided to us is consistent with what others have said.

But I need to confirm your agreement or the disagreement with the characterization of those meetings. And, again, as I said, I've been taking notes. I think you're going to be very comfortable with the questions about those meetings. And then after that we'll have ■ discussion about a couple of questions that proceed — of things that succeed those meetings.

So let me start with the first one.

[REDACTED]

MS. YATES: Yeah. I mean, certainly that was a factor, yes. They were surprised by that.

MR. TURNER: And that the Intelligence Community was looking

[REDACTED]

MS. YATES: I don't know that not to be true, but I don't know that to be truth either.

MR. TURNER: Okay. That's fine.

You indicated that the Flynn/Kislyak conversation occurred in late December and that you learned not too long afterwards, the 5th or 6th, are the dates actually that you mentioned. And I'm actually going to ask you questions about the 5th and 6th.

[REDACTED] Five minutes.

MR. TURNER: There was a meeting at the White House on January 5, at which Comey, again, Clapper, and yourself were in attendance, and the subject matter of the meeting was the Intelligence Community reviewing the report of the Russians' activities in the election. Is that correct?

MS. YATES: Yes.

MR. TURNER: Is it correct that at that meeting that's when you learned of the Flynn/Kislyak conversation?

MS. YATES: Do you want to —

[REDACTED]

MR. O'NEIL: Yeah. The --

MR. TURNER: Others have answered this question. This is -- so I'm merely asking her if she agrees or disagrees with the characterization about this.

MS. YATES: That's correct. But I also thought --

MR. TURNER: Okay. So --

MS. YATES: -- and I could be wrong about this, that John Brennan was at that meeting as well.

MR. TURNER: Excellent. Thank you. Wonderful. Appreciate that.

And at that meeting, you had indicated that you were not involved in advising the Obama administration on the Flynn matter. At that meeting it was discussed that Mr. Clapper had informed the Obama administration concerning the Flynn/Kislyak --

MS. YATES: I didn't say that Mr. Clapper did that. I said I didn't do it, and I don't know who did.

MR. TURNER: Okay. And that meeting, it was -- my understanding is that it was discussed, and that at that meeting it was discussed that Mr. Clapper had informed the President and the administration of the issue of the Flynn/Kislyak conversation. You don't recall?

MS. YATES: This is where I get a little uncomfortable because the President was there and the instructions that we got from this White House.

MR. TURNER: Obviously, I'm asking you things that others have testified about. It's not an issue of executive privilege; it's asking your recollection.

MR. O'NEIL: Well, to the extent that there are conversations with any President here, those would be subject to the presidential communications privilege, which we --

MR. TURNER: Unless it's already been subject matter of testimony before us, which, obviously, is why I'm asking you the question.

So do you recall at that meeting Mr. Clapper -- the discussion of Mr. Clapper informing the administration of the concerns of the Flynn/Kislyak conversation?

MR. O'NEIL: So I'm not sure that just because others have testified about it that we're not bound by the instruction that this -- it's the current administration has provided, which is that conversations with either the former President or the current President are not ones that should be discussed.

MR. TURNER: I understand your answer.

Subsequent to that meeting, on January 5, where you have testified that you learned of the Flynn/Kislyak conversation, there was a subsequent meeting between yourself and Mr. Comey on January 6, where he would have briefed you on the Kislyak/Flynn conversation. Is that correct?

MS. YATES: No, that's not how I recall it.

MR. TURNER: So you don't recall being briefed by the director of the FBI, Mr. Comey, about the Flynn conversation subsequent to your meeting with Brennan, Clapper, Comey, and yourself in the White House?

MS. YATES: I recall -- look, I had discussions with Director Comey over the course of this time. I don't recall having ■ detailed briefing from Jim Comey first. I recall getting more of a detailed briefing from Mary McCord first from the National Security Division before -- detailed. Jim and I had ■ discussion about it, but in terms of a briefing, my recollection is the first briefing I had was from Mary McCord. But I could be wrong about that.

MR. TURNER: Was that prior or subsequent to the January 5 meeting at



[REDACTED]

the White House?

MS. YATES: Subsequent. Same day. As soon as I got back.

MR. TURNER: Okay. So subsequent to that, did you have another conversation that was with Mr. Comey?

MS. YATES: I very well could have. I don't specifically recall that, but I do recall having conversations with Director Comey about this. But I don't recall the chronology there.

[REDACTED] One minute.

MR. TURNER: Subsequent to that meeting of January 5, David Ignatius ran an article in which he discussed the Flynn matter and the communications with the Russians. Do you -- did you have any conversations with David Ignatius during the period of January 5 and January 13?

MS. YATES: No.

MR. TURNER: Do you know, did anyone ever come to you after that article was published, indicate to you that they knew who had had conversations with David Ignatius --

MS. YATES: No.

MR. TURNER: -- concerning Flynn?

MS. YATES: No.

MR. TURNER: Did anyone come to you after the article had appeared to indicate that they had suspicions as to who had been the source for David Ignatius and his column on Michael Flynn and the Russians?

MS. YATES: No.

MR. TURNER: Thank you very much.

MR. SCHIFF: I just have a few more questions. Attorney General Yates,

[REDACTED]

[REDACTED]

you were asked about unsavory witnesses. You wouldn't put Christopher Steele in that category, I take it?

MS. YATES: I never met Mr. Steele, but he was someone that the Bureau described to me had been reliable, that they had worked with before [REDACTED] and had been reliable -- a reliable person with whom they had worked [REDACTED] So, no, I wouldn't, based on their experience, not mine.

MR. SCHIFF: Let me ask you about a couple issues that have been conflated. One deals with [REDACTED]

MS. YATES: No.

MR. SCHIFF: Is that right?

MS. YATES: No.

MR. SCHIFF: And, you know, [REDACTED]

[REDACTED]

[REDACTED] Is that correct?

MS. YATES: You know, that's a fair point. Yeah, I'd never even heard the term [REDACTED] until all of this came up. So, yes, it's my understanding that that -- the information that I got [REDACTED] with. [REDACTED]

So I don't know if an official decision was made on that. I mean, certainly the director of the FBI knew that it was coming over with his name in there, but I have no idea how that decision was made.

MR. SCHIFF: So what you originally saw were -- [REDACTED]

[REDACTED]

Correct?

MS. YATES: Uh-huh, yes.

MR. SCHIFF: And [REDACTED] are they?

MS. YATES: I was not a consumer usually of [REDACTED]. The people in the National Security Division were. I didn't normally look at the cuts themselves. What I would get would be a briefing from NSD about information, but this was the only time I was actually looking [REDACTED] that I can recall.

MR. SCHIFF: So you're not aware of any information that General Flynn's [REDACTED]

MS. YATES: No, I'm not aware of that happening.

MR. SCHIFF: I ask because [REDACTED]

[REDACTED] this may never have been in a finished intelligence report. So you never saw a finished intelligence report --

MS. YATES: No.

MR. SCHIFF: -- about the Flynn conversation?

MS. YATES: No. All I ever saw [REDACTED] that we had requested.

MR. SCHIFF: Going back to the meeting with White House counsel and then the message that Mary McCord got from General Flynn's phone. Do you know what the -- what took place thereafter Mary McCord reached out to John Eisenberg to find out was this from him? Did you ever find out why Eisenberg was communicating not just with General Flynn's phone but why he was reaching out to Mary McCord?

MS. YATES: No.

MR. SCHIFF: Did you ever learn from Mary McCord --

MS. YATES: I could have learned, but if I did, I don't remember it sitting here today.

MR. SCHIFF: Did you ever learn from Mary McCord whether John Eisenberg had confided whether he, John Eisenberg, had been in communication with General Flynn?

MS. YATES: I thought -- what I recall, and I hope this is correct, is that what he said later was that he had been meeting with General Flynn -- and I don't remember whose office it was in, whether it was in General Flynn's office or Flynn and Eisenberg's office -- and Flynn had left his phone -- so it must have been in Eisenberg's office.

MS. YATES: Flynn had left his phone there. And he somehow inadvertently picked up Flynn's phone, had the same code, passcode, and then like accidentally sent an email from his -- that's how I remember it.

MR. SCHIFF: Well, you know --

MS. YATES: I could be wrong about that, but that's how I remember it.

MR. SCHIFF: -- and here I'm speculating, so you can tell me whether you have any basis to know whether this would be correct or not correct. But if Mr. Eisenberg is in possession of General Flynn's phone, I would presume it would be a short period of time before that error is discovered.

MS. YATES: They must not have pictures on the outside of them, so that's --

MR. SCHIFF: Well, they must not have very good passwords if they're all the same.

MS. YATES: Same thumbprint, yeah, I know.

MR. SCHIFF: But, I guess the question is, did this communication come

either contemporaneous with a discussion between Mr. Eisenberg and General Flynn or shortly thereafter? Would you know the answer to that question?

MS. YATES: I don't know the answer to that.

MR. SCHIFF: So you don't know whether John Eisenberg, after meeting with General Flynn, immediately reached out to Mary McCord?

MS. YATES: I don't know the timing on that, no.

MR. SCHIFF: In the meeting you had, the second meeting with White House counsel in which his tenor had changed somewhat, did he communicate with you whether he had disclosed to the President that Flynn had lied to the Vice President?

MS. YATES: No, he did not indicate to me whether he had discussed any of this with the President.

MR. SCHIFF: Did he give you any other indication of others he may have discussed this with that accounted for the change in tone?

MS. YATES: No.

MR. SCHIFF: But the White House counsel did inquire whether Justice was considering ■ prosecution under the Logan Act?

MS. YATES: Yeah. It wasn't even so much, "Are you considering it"; ■ was more a, "Come on, DOJ would never prosecute a violation of the Logan Act," more in a trying to diminish the importance of it as opposed to ■ serious question of, are you going to prosecute this? I don't know if that's making any sense here.

MR. SCHIFF: No, that makes sense.

Is it fair to say that Mr. McGahn didn't seem to get what you were trying to communicate, that this was a national security problem for the administration; that his impression was this was a concern you had over General Flynn's liability under

the Logan Act?

MS. YATES: You know, I can't get inside his head so I can't say whether he got it or whether he was just trying to diminish the significance of it, because he sure seemed like he got it when we left the first day, you know, the day before.

And when I told him this is not about whether DOJ is going to prosecute Mike Flynn under the Logan Act and, you know, went back through all the reasons that I described a minute ago as to why we were there, why we were giving them this information so they could act -- because we kept emphasizing that we're telling you this so that you can take the action that you deem appropriate -- I don't know if he didn't appreciate the significance or he was just trying to push it into a different box.

But there was a big part of that discussion as well when he was saying he didn't want -- they didn't want to take action that would interfere with the FBI investigation, because I had told him that General Flynn had been interviewed by the FBI.

And he -- you know, that's when we made it very clear over and over to him -- in fact, I remember saying these words: It wouldn't be fair of me to come over here and tell you this information and then expect you to sit on your hands. In fact, it's just the opposite; we're telling you this so that you will take action. It will not interfere with the investigation. General Flynn has already been interviewed. We're telling you this so you can act.

MR. SCHIFF: So this is a form of defensive briefing?

MS. YATES: Yeah, there's a -- they needed to know this information so they could do something about it.

MR. SCHIFF: How long after the second meeting, how many days were

left before you were let go, or I don't know if they —

MS. YATES: Fired. I can say the word. It's okay, yeah.

MR. SCHIFF: So how long was it before you were fired?

MS. YATES: It was the 30 — well, Friday was the second meeting with Mr. McGahn, and then Monday evening or night, it was 9 or 10 o'clock that night.

MR. SCHIFF: And you can answer this any way you like, did you ever get an indication that part of the reason why you were fired had anything to do with the defensive briefing or the information you shared with White House counsel?

MS. YATES: No. I mean, it followed both of these, but it was most closely timed with my decision on the travel ban.

MR. SCHIFF: If the FBI has briefed members that Mr. Steele received no payment for the Steele dossier, do you have any reason to doubt that?

MS. YATES: No.

MR. SCHIFF: Eric, were you here at the beginning? If not —

MR. SWALWELL: I was at the beginning.

MR. SCHIFF: Oh, you were. Okay. Mr. Swalwell.

MR. SWALWELL: Thank you, Ms. Yates.

How long did you work with Director Comey?

MS. YATES: Oh —

MR. SWALWELL: How many years?

MS. YATES: Well, I guess it all depends on how you define work with him. I worked with him for the 2 years that I was DAG. But then, during the time that I was an AUSA, I had some interaction with him, but not, you know, not particularly regularly. But I knew him from before during that time.

MR. SWALWELL: How would you judge his credibility?

MS. YATES: Oh, gosh, that's a hard --

MR. O'NEIL: You know, she's not -- she's not really here as a kind of --

MR. SWALWELL: Well, would you judge him as a person with a character for truthfulness?

MR. O'NEIL: Again, I think it's difficult to put her in a position of evaluating credibility of another former government official. It's just -- she's happy to talk about things related to Russia and the development of the Russia threat, but not that.

MR. SWALWELL: With respect to the Russian investigation, would you evaluate Director Comey's handling of it as someone who handled it with credibility and truthfulness?

MS. YATES: Yes. I mean, in terms of my interaction with him on the Russia investigation, I didn't have any reason at all to believe that he wasn't being truthful in his interactions with me.

MR. SWALWELL: How about your interactions with Director Brennan, same question about truthfulness and credibility?

MR. O'NEIL: So I'll give the same answer on the general question. I'm not distinguishing between people. But if it's the same question with respect to the handling of the Russian information in particular, sure.

MS. YATES: Yeah. No reason to have any questions about credibility at all with respect to Director Brennan on this either.

MR. SWALWELL: How about Director Clapper?

MS. YATES: Same thing.

MR. SWALWELL: How about Mary McCord?

MS. YATES: Same thing.



MR. SWALWELL: How about John Carlin?

MS. YATES: As well, yes.

MR. SWALWELL: What recommendations would you give to this committee as to, you know -- once we understand the vulnerabilities that existed to allow Russia to carry out its attack, once we identify whether any U.S. persons worked with the Russians, once we look at the U.S. Government response, what recommendations would you provide to this committee to prevent an attack like this from ever happening again?

MS. YATES: Should I -- you may not have been in the room when I went over that earlier.

MR. SWALWELL: Sure.

MS. YATES: Yeah. So I'll give you --

MR. SWALWELL: You can summarize.

MS. YATES: I'll give you my equally un insightful answers to what I did earlier as well, and that's, I mean, certainly hardening our State election computer systems is really important.

And it sort of felt like -- and look, I'm on the outside now so I might not really fully appreciate this -- that there was an emphasis on that at one point, but you sure don't hear much about it now. And that's essential, I think, because we really don't know what their capabilities are and shouldn't assume that their capabilities ■■■ frozen where they were in 2016.

We didn't see any evidence that they got into actual vote tallying, but that doesn't mean that they couldn't. And I think we should assume they're working all day every day to try to figure out how to improve on what they did in 2016.

So I would hope that we would be looking, from a cyber forensics

standpoint, at what they were able to accomplish in 2016 with respect to the State systems and sort of fast forward that. From that information, what do we think they might be able to figure out how to do? And, you know, we've got our own cyber experts that could do that and to work with States to harden that.

I think that certainly we have to be more discerning and figure out ways through social media that we are educating the public about the source of information that they're getting so that they can determine when the things they're reading are true or not true or have a better sense of where they're coming from, who's paying for it, and be able to make decisions about what's truthful information that they're getting there.

MR. SWALWELL: Speaking of social media, would you -- what would you -- what do you think -- well, do you believe that there should be a legal requirement that social media companies notify the Department of Justice if they see a coordinated interference attack taking place on one of their platforms? Right now, there's no requirement that they do that.

MS. YATES: That's one of those things that my gut reaction is that sounds like a good idea, but to be fair, I couldn't really give you an answer. I'd want to think about that. That's an important decision to make, and I'm not there now and haven't sort of thought through what the ramifications of that might be.

So I feel like I wouldn't be giving you a very thoughtful answer if I responded to that.

MR. SWALWELL: Do you think that there should be a legal requirement that a U.S. person, if they are contacted by a foreign national and has information relating to a U.S. election, that that U.S. person should be required to report that to the FBI? Right now, today, it's not a requirement.

MS. YATES: I'd sort of give you the same answer to that. You know, it sort of, on its face, sounds like ■ good idea, but I think you'd have to sort of play that out. And -- yeah.

MR. SWALWELL: And the example I'll give you is, it's not disputed any longer that --

MS. YATES: Yeah.

MR. SWALWELL: -- Russian nationals offered Donald Trump, Jr., information on Hillary Clinton. What is disputed is whether or not that's just politics, as the President has described it, and who wouldn't take that information.

But I guess my question is, do you believe a U.S. person, if they are contacted by ■ foreign national and that foreign national has information, you know, regarding our election or a campaign, do you think that there should be ■ duty to report?

MS. YATES: Well, I certainly would hope that that U.S. person would notify authorities because of all the implications that we've been talking about and our whole country has been talking about for quite some time now.

In terms of whether there is a duty to report that, I would just need to think about what the implications would be and what the other scenarios are in which we would like for people to come tell law enforcement about things, but we don't impose an affirmative duty on them, and then, what are the ramifications if they don't? Again, I'm a careful person. I'd want to think about that before I gave you just a gut answer to it.

MR. SWALWELL: Sure. And thank you again. Thank you for testifying. Thank you for your service to our country.

MS. YATES: Thank you.

MR. SCHIFF: We'll yield to the majority.

MR. ROONEY: Home stretch. I have one question.

MS. YATES: I'm not going to complain about that.

MR. ROONEY: I think the chairman wants me to ask one question.

So Donald Trump @TheRealDonaldTrump tweeted on May 8, 2017: Ask Sally Yates under oath if she knows how classified information got into the newspapers soon after she explained it to White House counsel.

So I'm sure you've been wanting to respond to that tweet.

MR. SCHIFF: Which chairman are you referring to in your question? You said the chairman wanted you to ask the question.

MR. ROONEY: Oh, Conaway.

MS. YATES: Must have been Grassley. I thought you meant he was telling Chairman Grassley to ask that.

MR. ROONEY: No.

MS. YATES: Well, I don't follow Donald Trump on Twitter, so -- but I was aware of that tweet. No, I do not know how that information got out.

MR. ROONEY: Okay.

MS. YATES: I want to follow up, there was a question that was asked earlier, did anybody ever say -- come to me and say they knew how that information that David Ignatius -- my answer is still, no, I don't remember that.

There very well could have been conversations around of people speculating about whether that had come from an agency or whatever. I don't have any specific recollection of that. But it's not unusual when things would leak, that there would be conversations with people annoyed about that would speculate about where something had come from. So I just wanted to follow up on that.

MR. SCHIFF: We have some of those conversations here too.

MS. YATES: Yeah, that is -- yes.

MS. O'BRIEN: I'm sure.

MR. ROONEY: At the time you approved the Page FISA, did you know whether Steele was being paid by the FBI for his information?

MS. YATES: I didn't have any information -- I don't recall any information that he was being paid.

MR. ROONEY: So did you know whether or not Mr. Steele was paid by any other source?

MS. YATES: Oh, okay. I know what you're -- I have a general recollection that there was some information that Mr. Steele had either worked for in the past -- I guess it would've been worked for in the past -- both people associated on the Republican side and either the Clinton campaign or the DNC. I don't recall the specificity of that, but I remember there being something about his association with them. I just don't remember the specifics of it.

MR. ROONEY: Did it alarm you in any way that Mr. Steele --

MS. YATES: And when I say "association with them," I mean in doing opposition research for them.

MR. ROONEY: Ms. McCord testified that Mr. Steele had been seen by the Bureau as a source in the past.

MS. YATES: Uh-huh.

MR. ROONEY: Did you also know that?

MS. YATES: Yes, I did, yeah. Not just a source in the past but someone that had been a reliable source for them in the past.

MR. ROONEY: Right. Right. She said the same thing. And so I guess

[REDACTED]

the question with regard to the money and how he was being paid, did that factor into your equation of his reliability here at all?

MS. YATES: Whether he was being paid by the FBI or whether he also had been paid by others?

MR. ROONEY: No. No. Who he was working for in this instance.

MS. YATES: Well, yeah. I think that that would be a factor that you would take into account, but it wouldn't be determinative given that -- the way I recall it was that it wasn't like here's what Steele has said, you know, all laid out, and this is the -- it was more there was specific information that they had gotten from Steele that they had then worked to corroborate [REDACTED] that information and that that was what was included in the files.

MR. ROONEY: But not that it might be some sort of biased report because of who was paying for it?

MS. YATES: See, it wasn't the report. I don't remember the FBI sort of saying like here's the Steele report.

It was their interaction with him and getting specific pieces of information that they communicated with us. I just -- my memory of it's not quite like that.

MR. ROONEY: Okay.

MR. SCHIFF: I just have a couple last questions. And we've had the opportunity that you haven't to review the FISA app recently.

MS. YATES: Yeah, I haven't seen it in a very long time.

MR. SCHIFF: But it would be appropriate, wouldn't it, to include in the FISA application information about whether the witness has direct knowledge or they're getting it from a source or they're getting it from a subsource --

MS. YATES: Right.

[REDACTED]

MR. SCHIFF: -- so that the judge can evaluate whether that's sufficiently credible. The important thing is to let the magistrate know or the judge know what the source of information is. Is that right?

MS. YATES: Yes. Yeah.

MR. SCHIFF: And the same would be true in terms of the FISA applications including information about the fact that Mr. Steele was also working for other clients who may have an interest in the matter. That would be information you would provide to the judge and the judge could consider as weighing on the credibility of what the source had to say. Is that fair?

MS. YATES: That's fair.

MR. SCHIFF: I also want to ask just, again, to have context, because we spend a lot of time on this one particular FISA application. As you were testifying earlier, the counterintelligence investigations, [REDACTED] correct?

MS. YATES: That's right.

MR. SCHIFF: And with respect to this one FISA application of this one individual, that had nothing to do with the Intelligence Community's intelligence on the hacking of the DNC computers, didn't shed light one way or another on that. Is that fair to say?

MS. YATES: As far as I know, yeah.

MR. SCHIFF: [REDACTED]

MS. YATES: There were separate sources for that, yes.

MR. SCHIFF: -- particular FISA application on this one particular person.

Is that fair to say?

MS. YATES: Yes.

MR. SCHIFF: In terms of the social media campaign, that wasn't driven by this FISA application in any way, I assume?

MS. YATES: No. I don't -- no.

MR. SCHIFF: And I guess that's all I have to ask about that. So I yield back, Mr. Chairman.

MR. ROONEY: We're adjourned. Thank you.

MS. YATES: All right. Thank you very much.

[Whereupon, at 12:46 p.m., the interview was concluded.]